

FIRST REGULAR SESSION

# HOUSE BILL NO. 508

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES REDMON (Sponsor), HAMPTON, CURTMAN,  
FLANIGAN AND FRAKER (Co-sponsors).

1307L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 3.060, 3.070, 8.110, 8.115, 8.180, 8.200, 8.260, 8.310, 8.315, 8.316, 8.320, 8.325, 8.330, 8.340, 8.350, 8.360, 8.800, 8.830, 8.843, 33.710, 33.750, 33.752, 33.753, 33.756, 34.031, 37.005, 37.010, 37.020, 37.110, 160.545, 161.418, 161.424, 181.110, 191.850, 191.853, 191.855, 191.857, 191.858, 191.859, 191.861, 191.863, 191.865, 191.867, 192.935, 196.1103, 209.251, 217.575, 251.100, 251.240, 253.320, 261.010, 301.020, 302.171, 311.650, 313.210, 320.260, 334.125, 361.010, 595.036, 595.037, 595.060, 610.029, 610.120, 620.1100, and 620.1580, RSMo, and to enact in lieu thereof sixty-five new sections for the sole purpose of restructuring statutes based on executive branch reorganizations, with a penalty provision.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 3.060, 3.070, 8.110, 8.115, 8.180, 8.200, 8.260, 8.310, 8.315, 8.316, 8.320, 8.325, 8.330, 8.340, 8.350, 8.360, 8.800, 8.830, 8.843, 33.710, 33.750, 33.752, 33.753, 33.756, 34.031, 37.005, 37.010, 37.020, 37.110, 160.545, 161.418, 161.424, 181.110, 191.850, 191.853, 191.855, 191.857, 191.858, 191.859, 191.861, 191.863, 191.865, 191.867, 192.935, 196.1103, 209.251, 217.575, 251.100, 251.240, 253.320, 261.010, 301.020, 302.171, 311.650, 313.210, 320.260, 334.125, 361.010, 595.036, 595.037, 595.060, 610.029, 610.120, 620.1100, and 620.1580, RSMo, are repealed and sixty-five new sections enacted in lieu thereof, to be known as sections 3.060, 3.070, 8.110, 8.115, 8.180, 8.200, 8.260, 8.310, 8.315, 8.316, 8.320, 8.325, 8.330, 8.340, 8.350, 8.360, 8.800, 8.830, 8.843, 33.710, 34.031, 37.005, 37.010, 37.013, 37.014, 37.016, 37.020, 37.110, 160.545, 161.418, 161.424, 161.900, 161.905, 161.910, 161.915, 161.920, 161.925, 161.930, 161.935, 161.940, 161.945, 181.110, 196.1103, 209.015,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12 209.251, 217.575, 251.100, 251.240, 253.320, 261.010, 301.020, 302.171, 311.650, 313.210,  
13 320.260, 334.125, 361.010, 595.036, 595.037, 595.060, 610.029, 610.120, 620.1100, 620.1580,  
14 and 621.275, to read as follows:

3.060. 1. The committee, in preparing editions of the statutes and supplements or pocket  
2 parts thereto, shall not alter the sense, meaning, or effect of any legislative act; but may renumber  
3 sections and parts of sections thereof, change the wording of headnotes, rearrange sections,  
4 change reference numbers or words to agree with renumbered chapters or sections, substitute the  
5 word "chapter" for "act" or "article" and the like, substitute figures for written words and vice  
6 versa and change capitalization for the purpose of uniformity and correct manifest clerical or  
7 typographical errors.

8 2. It may

9 (1) Correct therein all words misspelled in enrollment;

10 (2) Correct all manifest clerical errors, including punctuation, but no correction shall  
11 constitute an alteration of or a departure from the enrollment;

12 (3) Transfer sections or divide or combine sections so as to give to distinct subject  
13 matters a section number but without changing the meaning;

14 (4) Substitute therein the name of any agency, officer or instrumentality of the state or  
15 of a county to which powers, duties and responsibilities have been transferred by law, for the  
16 name of any other agency, officer or instrumentality of the state or of a county previously vested  
17 with the same powers and charged with the same duties and responsibilities;

18 (5) **Incorporate executive department reorganizations under sections 26.500 to**  
19 **26.540. Such authority is limited to name changes and movement of statutory sections and**  
20 **portions of sections to appropriate chapters of law. In any such case, the committee may**  
21 **add a footnote calling attention to such correction and explaining the reason therefor;**

22 (6) Supply any obvious omission or inaccuracy, which shall be identified in the text. In  
23 any such case the committee shall add a footnote calling attention to such omission or correction  
24 and explaining the reason therefor; and

25 [(6)] (7) Substitute therein the abbreviations: "RSMo" for "Missouri Revised Statutes",  
26 and "RSMo Supp." for any cumulative supplement to the Missouri Revised Statutes.

3.070. The committee shall appoint and fix the compensation of a revisor of statutes and  
2 other attorneys and assistants necessary to the performance of its duties under this chapter. The  
3 compensation of the revisor of statutes and his **or her** assistants and expenses incurred in  
4 connection with the performance of their duties shall be paid from appropriations made for the  
5 committee on legislative research. The revisor of statutes shall be duly licensed to practice law  
6 in this state and serves at the pleasure of the committee. The revisor of statutes shall perform  
7 all duties required by the committee in connection with its duties under this chapter. He **or she**

8 shall conform to all regulations prescribed for the internal operation of the committee and shall  
9 render such assistance to the general assembly in connection with pending or proposed  
10 legislation as required by the committee or by any law imposing duties on the committee. He  
11 **or she** is subject also in all respects to the law governing other persons appointed or employed  
12 by the committee. The division of **facilities management**, design and construction shall provide  
13 adequate office space in the capitol building for the revisor of statutes and the attorneys and  
14 employees associated with him **or her**.

8.110. There is hereby created within the office of administration a "Division of  
2 Facilities Management, Design[,] and Construction", which shall supervise the design,  
3 construction, renovations, maintenance, and repair of state facilities, except as provided in  
4 sections 8.015 and 8.017, and except those facilities belonging to the institutions of higher  
5 education, the highways and transportation commission, and the conservation commission,  
6 which shall be responsible to review all requests for appropriations for capital improvements.  
7 Except as otherwise provided by law, the director of the division of facilities management,  
8 design[,] and construction shall be responsible for the management and operation of office  
9 buildings titled in the name of the governor. The director shall exercise all diligence to ensure  
10 that all facilities within his **or her** management and control comply with the designated building  
11 codes; that they are clean, safe and secure, and in proper repair; and that they are adequately  
12 served by all necessary utilities.

8.115. Notwithstanding the provisions of chapter 571, the office of administration,  
2 division of facilities management, **design and construction**, is authorized to provide armed  
3 security guards at state-owned or leased facilities except at the seat of government and within  
4 the county which contains the seat of government, either through qualified persons employed by  
5 the office of administration, or through the use of a contract with a properly licensed firm.

8.180. In all cases where a court or other officer performs any lawful service, at the  
2 instance of any director of the division of **facilities management**, design and construction in and  
3 about the collection of debts due the state, and the costs have not nor cannot be made out of the  
4 defendant, the director of the division of **facilities management**, design and construction shall  
5 pay the same fees that other plaintiffs are bound to pay for similar services, and no other.

8.200. The director of the division of **facilities management**, design and construction  
2 shall proceed against any sheriff or peace officer who refuses to perform any duty, in the name  
3 of the state, in the same way and to the full extent that any other plaintiff in an action might or  
4 could do.

8.260. All appropriations made by the general assembly amounting to one hundred  
2 thousand dollars or more for the construction, renovation, or repair of facilities shall be expended  
3 in the following manner:

4 (1) The agency requesting payment shall provide the commissioner of administration  
5 with satisfactory evidence that a bona fide contract, procured in accordance with all applicable  
6 procedures, exists for the work for which payment is requested;

7 (2) All requests for payment shall be approved by the architect or engineer registered to  
8 practice in the state of Missouri who designed the project or who has been assigned to oversee  
9 it;

10 (3) In order to guarantee completion of the contract, the agency or officer shall retain a  
11 portion of the contract value in accordance with the provisions of section 34.057;

12 (4) A contractor may be paid for materials delivered to the site or to a storage facility  
13 approved by the director of the division of **facilities management**, design and construction as  
14 having adequate safeguards against loss, theft or conversion. In no case shall the amount  
15 contracted for exceed the amount appropriated by the general assembly for the purpose.

8.310. Any other provision of law to the contrary notwithstanding, no contracts shall be  
2 let for design, repair, renovation or construction without approval of the director of the division  
3 of **facilities management**, design and construction, and no claim for design, repair, construction  
4 or renovation projects under contract shall be accepted for payment by the commissioner of  
5 administration without approval by the director of the division of **facilities management**, design  
6 and construction; except that the department of conservation, the boards of curators of the state  
7 university and Lincoln University, the several boards of regents of the state colleges and the  
8 boards of trustees of the community colleges may contract for architectural and engineering  
9 services for the design and supervision of the construction, repair, maintenance or improvement  
10 of buildings or institutions and may contract for construction, repair, maintenance or  
11 improvement. The director of the division of **facilities management**, design and construction  
12 shall not be required to review any claim for payment under any such contract not originally  
13 approved by him **or her**. No claim under any contract executed by the department of  
14 conservation or an institution of higher learning, as provided above, shall be certified by the  
15 commissioner of administration unless the entity making the claim shall certify in writing that  
16 the payment sought is in accordance with the contract executed by the entity and that the  
17 underlying construction, repair, maintenance or improvement conforms with applicable  
18 regulations promulgated by the director pursuant to section 8.320.

8.315. The director of **facilities management**, design and construction shall provide  
2 technical assistance to the director of the budget with regard to requests for capital improvement  
3 appropriations. The director shall review all capital improvement requests, including those made  
4 by the institutions of higher learning, the department of conservation or the highway commission,  
5 and shall recommend to the director of the budget and the governor those proposals which should  
6 be funded.

8.316. The division of **facilities management**, design and construction shall promulgate  
2 a method to accurately calculate the replacement cost of all buildings owned by public  
3 institutions of higher education. The method shall be developed in cooperation with such  
4 institutions and shall include the necessary components and factors to accurately calculate a  
5 replacement cost. The division shall utilize a procedure to allow differences to be resolved and  
6 may include an alternative calculation where the original cost plus an inflation factor is utilized  
7 to determine a replacement cost value.

8.320. The director of the division of **facilities management**, design and construction  
2 shall set forth reasonable conditions to be met and procedures to be followed in the repair,  
3 maintenance, operation, construction and administration of state facilities. The conditions and  
4 procedures shall be codified and filed with the secretary of state in accordance with the  
5 provisions of the constitution. No payment shall be made on claims resulting from work  
6 performed in violation of these conditions and procedures, as certified by the director of the  
7 division of **facilities management**, design and construction.

8.325. 1. In addition to providing the general assembly with estimates of the cost of  
2 completing a proposed capital improvement project, the division of **facilities management**,  
3 design and construction shall provide the general assembly, at the same time as the division  
4 submits the estimate of the capital improvement costs for the proposed capital improvement  
5 project, an estimate of the operating costs of such completed capital improvement project for its  
6 first full year of operation. Such estimate shall include, but not be limited to, an estimate of the  
7 cost of:

8 (1) Personnel directly related to the operation of the completed capital improvement  
9 project, such as janitors, security, and other persons who would provide necessary services for  
10 the completed project or facility;

11 (2) Utilities for the completed project or facility; and

12 (3) Any maintenance contracts which would be entered into in order to provide services  
13 for the completed project or facility, such as elevator maintenance, boiler maintenance, and other  
14 similar service contracts with private contractors to provide maintenance services for the  
15 completed project or facility.

16 2. The costs estimates required by this section shall clearly indicate the additional  
17 operating costs of the building or facility due to the completion of the capital improvement  
18 project where such proposed project is for an addition to an existing building or facility.

19 3. Any agency of state government which removes from rental quarters or state-owned  
20 buildings because of defective conditions or any other state personnel shall be prevented from  
21 reoccupation of those quarters for a period of three years unless such defective conditions are  
22 renovated within a reasonable time before reoccupation.

8.330. The director of the division of **facilities management**, design and construction  
2 may secure information and data relating to state facilities from all departments and agencies of  
3 the state and each department and agency shall furnish information and data when requested by  
4 the director of the division of **facilities management**, design and construction. All information  
5 and data collected by the director of the division of **facilities management**, design and  
6 construction is available at all times to the general assembly upon request.

8.340. The director of the division of **facilities management**, design and construction  
2 shall assemble and maintain complete files of information on the repair, utilization, cost and  
3 other data for all state facilities, including power plants, pump houses and similar facilities. He  
4 **or she** shall also assemble and maintain files containing a full legal description of all real estate  
5 owned by the state and blueprints of all state facilities.

8.350. The director of the division of **facilities management**, design and construction  
2 shall deliver to his **or her** successor all property and papers of every kind in his **or her**  
3 possession, relative to the affairs of state, make an inventory thereof, upon which he **or she** shall  
4 take a receipt of his **or her** successor, and deliver the same to the secretary of state.

8.360. The director of the division of **facilities management**, design and construction  
2 shall inspect all facilities and report to the general assembly at the commencement of each  
3 regular session on their condition, maintenance, repair and utilization.

8.800. As used in sections 8.800 to 8.825, the following terms mean:

- 2 (1) "Builder", the prime contractor that hires and coordinates building subcontractors or  
3 if there is no prime contractor, the contractor that completes more than fifty percent of the total  
4 construction work performed on the building. Construction work includes, but is not limited to,  
5 foundation, framing, wiring, plumbing and finishing work;
- 6 (2) "Department", the department of natural resources;
- 7 (3) "Designer", the architect, engineer, landscape architect, builder, interior designer or  
8 other person who performs the actual design work or is under the direct supervision and  
9 responsibility of the person who performs the actual design work;
- 10 (4) "District heating and cooling systems", heat pump systems which use waste heat from  
11 factories, sewage treatment plants, municipal solid waste incineration, lighting and other heat  
12 sources in office buildings or which use ambient thermal energy from sources including  
13 temperature differences in rivers to provide regional heating or cooling;
- 14 (5) "Division", the division of **facilities management**, design and construction;
- 15 (6) "Energy efficiency", the increased productivity or effectiveness of energy resources  
16 use, the reduction of energy consumption, or the use of renewable energy sources;
- 17 (7) "Gray water", all domestic wastewater from a state building except wastewater from  
18 urinals, toilets, laboratory sinks, and garbage disposals;

19 (8) "Life cycle costs", the costs associated with the initial construction or renovation and  
20 the proposed energy consumption, operation and maintenance costs over the useful life of a state  
21 building or over the first twenty-five years after the construction or renovation is completed;

22 (9) "Public building", a building owned or operated by a governmental subdivision of  
23 the state, including, but not limited to, a city, county or school district;

24 (10) "Renewable energy source", a source of thermal, mechanical or electrical energy  
25 produced from solar, wind, low-head hydropower, biomass, hydrogen or geothermal sources, but  
26 not from the incineration of hazardous waste, municipal solid waste or sludge from sewage  
27 treatment facilities;

28 (11) "State agency", a department, commission, authority, office, college or university  
29 of this state;

30 (12) "State building", a building owned by this state or an agency of this state;

31 (13) "Substantial renovation" or "substantially renovated", modifications that will affect  
32 at least fifty percent of the square footage of the building or modifications that will cost at least  
33 fifty percent of the building's fair market value.

8.830. For purposes of sections 8.830 to 8.851, the following terms mean:

2 (1) "Department", the department of natural resources;

3 (2) "Director", the director of the department of natural resources;

4 (3) "Division", the division of **facilities management**, design and construction;

5 (4) "Public building", a building owned or operated by a governmental subdivision of  
6 the state, including, but not limited to, a city, county or school district;

7 (5) "State building", a building owned or operated by the state, a state agency or  
8 department, a state college or a state university.

8.843. There is hereby established an interagency advisory committee on energy cost  
2 reduction and savings. The committee shall consist of the commissioner of administration, the  
3 director of the division of **facilities management**, design and construction, the director of the  
4 department of natural resources, the director of the environmental improvement and energy  
5 resources authority, the director of the division of energy, the director of the department of  
6 transportation, the director of the department of conservation and the commissioner of higher  
7 education. The committee shall advise the department on the development of the minimum  
8 energy efficiency standard and state building energy efficiency rating system and shall assist the  
9 office of administration in implementing sections 8.833 and 8.835.

33.710. 1. There is created "The Governmental Emergency Fund Committee" consisting  
2 of the governor, the commissioner of administration, the chairman and ranking minority member  
3 of the senate appropriations committee, the chairman and ranking minority member of the house  
4 [appropriations] **budget committee, or its successor committee**, and the director of the division

5 of **facilities management**, design and construction who shall serve as consultant to the  
6 committee without vote.

7       2. The members of the committee shall serve without compensation but shall be  
8 reimbursed for actual and necessary expenses incurred by them in the performance of their  
9 official duties.

10       3. The committee shall elect from among its members a chairman and vice chairman and  
11 such other officers as it deems necessary.

12       34.031. 1. The commissioner of administration, in consultation with the environmental  
13 improvement and energy resources authority of the department of natural resources, shall give  
14 full consideration to the purchase of products made from materials recovered from solid waste  
15 and to the reduction and ultimate elimination of purchases of products manufactured in whole  
16 or in part of thermoformed or other extruded polystyrene foam manufactured using any fully  
17 halogenated chlorofluorocarbon (CFC). Products that utilize recovered materials of a price and  
18 quality comparable to products made from virgin materials shall be sought and purchased, with  
19 particular emphasis on recycled oil, retread tires, compost materials and recycled paper products.  
20 The commissioner shall exercise a preference for such products if their use is technically feasible  
21 and, where a bid is required, their price is equal to, or less than, the price of items which are  
22 manufactured or produced from virgin materials. Products that would be inferior, violate safety  
23 standards or violate product warranties if the provisions of this section are followed may be  
24 excluded from the provisions of this section.

25       2. The commissioner of administration shall:

26       (1) Review the procurement specifications in order to eliminate discrimination against  
27 the procurement of recycled products;

28       (2) Review and modify the contract specifications for paper products and increase the  
29 minimum required percentage of recycled paper in each product as follows:

30       (a) Forty percent recovered materials for newsprint;

31       (b) Eighty percent recovered materials for paperboard;

32       (c) Fifty percent waste paper in high grade printing and writing paper;

33       (d) Five to forty percent in tissue products;

34       (3) Support federal incentives and policy guidelines designed to promote these goals;

35       (4) Develop and implement a cooperative procurement policy to facilitate bulk order  
36 purchases and to increase availability of recycled products. The policy shall be distributed to all  
37 state agencies and shall be made available to political subdivisions of the state;

38       (5) Conduct a survey using existing staff of those items customarily required by the state  
39 that are manufactured in whole or part from polystyrene plastic, and report its findings, together  
40 with an analysis of environmentally acceptable alternatives thereto, prepared in collaboration

30 with the department of natural resources, to the general assembly and every state agency within  
31 six months of August 28, 1995.

32 3. Notwithstanding the provisions of this section, no state agency may purchase any food  
33 or beverage containers or wrapping manufactured from any polystyrene foam manufactured  
34 using any fully halogenated chlorofluorocarbon (CFC) found by the United States Environmental  
35 Protection Agency (EPA) to be an ozone-depleting chemical.

36 4. No state agency may purchase any items made in whole or part of thermoformed or  
37 other extruded polystyrene foam manufactured using any fully halogenated chlorofluorocarbon  
38 (CFC) found by the United States Environmental Protection Agency (EPA) to be an  
39 ozone-depleting chemical without approval from the commissioner of administration. Approval  
40 shall not be granted unless the purchasing agency demonstrates to the satisfaction of the director  
41 of the department of natural resources and the commissioner that there is no environmentally  
42 more acceptable alternatives or the quality of such alternatives is not adequate for the purpose  
43 intended.

44 5. For each paper product type and corresponding recycled paper content standard  
45 pursuant to subdivision (2) of subsection 2 of this section, attainment goals for the percentage  
46 of paper products to be purchased that utilize post-consumer recovered materials shall be:

- 47 (1) Ten percent in 1991 and 1992;  
48 (2) Twenty-five percent in 1993 and 1994;  
49 (3) Forty percent in 1995; and  
50 (4) Sixty percent by 2000.

51 6. In the review of capital improvement projects for buildings and facilities of state  
52 government, the commissioner of administration shall direct the division of **facilities**  
53 **management**, design and construction to give full consideration to alternatives which use solid  
54 waste, as defined in section 260.200, as a fuel for energy production or which use products  
55 composed of materials recovered from solid waste.

56 7. The commissioner of administration, in consultation with the environmental  
57 improvement and energy resources authority of the department of natural resources, shall prepare  
58 and provide by January first of each year an annual report summarizing past activities and  
59 accomplishments of the program and proposed goals of the program including projections for  
60 each affected agency. The report shall also include a list of products utilizing recovered  
61 materials that could substitute for products currently purchased and a schedule of amounts  
62 purchased of products utilizing recovered materials compared to purchases of similar products  
63 utilizing virgin materials for the period covered by the annual report.

64           8. The office of administration, department of natural resources and department of  
65 economic development shall cooperate jointly and share to the greatest extent possible,  
66 information and other resources to promote:

67           (1) Producers or potential producers of secondary material goods to expand or develop  
68 their product lines;

69           (2) Increased demand for secondary materials recovered in Missouri; and

70           (3) Increased demand by state government for products which contain secondary  
71 materials recovered in Missouri.

72           9. The commissioner of administration may increase minimum recycled content  
73 percentages for paper products, minimum recycled content percentages for other recycled  
74 products and establish minimum post-consumer content as such products become available. The  
75 preference provided in subsection 1 of this section shall apply to the minimum standards  
76 established by the commissioner.

          37.005. 1. Except as provided herein, the office of administration shall be continued as  
2 set forth in house bill 384, seventy-sixth general assembly and shall be considered as a  
3 department within the meaning used in the Omnibus State Reorganization Act of 1974. The  
4 commissioner of administration shall appoint directors of all major divisions within the office  
5 of administration.

6           2. The commissioner of administration shall be a member of the governmental  
7 emergency fund committee as ex officio comptroller and the director of the department of  
8 revenue shall be a member in place of the [chief of the planning and construction division]  
9 **director of the division of facilities management, design and construction.**

10          3. The office of administration is designated the "Missouri State Agency for Surplus  
11 Property" as required by Public Law 152, eighty-first Congress as amended, and related laws for  
12 disposal of surplus federal property. All the powers, duties and functions vested by sections  
13 37.075 and 37.080, and others, are transferred by type I transfer to the office of administration  
14 as well as all property and personnel related to the duties. The commissioner shall integrate the  
15 program of disposal of federal surplus property with the processes of disposal of state surplus  
16 property to provide economical and improved service to state and local agencies of government.  
17 The governor shall fix the amount of bond required by section 37.080. All employees transferred  
18 shall be covered by the provisions of chapter 36 and the Omnibus State Reorganization Act of  
19 1974.

20          4. The commissioner of administration shall replace the director of revenue as a member  
21 of the board of fund commissioners and assume all duties and responsibilities assigned to the  
22 director of revenue by sections 33.300 to 33.540 relating to duties as a member of the board and  
23 matters relating to bonds and bond coupons.

24           5. All the powers, duties and functions of the administrative services section, section  
25 33.580 and others, are transferred by a type I transfer to the office of administration and the  
26 administrative services section is abolished.

27           6. The commissioner of administration shall, in addition to his or her other duties, cause  
28 to be prepared a comprehensive plan of the state's field operations, buildings owned or rented  
29 and the communications systems of state agencies. Such a plan shall place priority on improved  
30 availability of services throughout the state, consolidation of space occupancy and economy in  
31 operations.

32           7. The commissioner of administration shall from time to time examine the space needs  
33 of the agencies of state government and space available and shall, with the approval of the board  
34 of public buildings, assign and reassign space in property owned, leased or otherwise controlled  
35 by the state. Any other law to the contrary notwithstanding, upon a determination by the  
36 commissioner that all or part of any property is in excess of the needs of any state agency, the  
37 commissioner may lease such property to a private or government entity. Any revenue received  
38 from the lease of such property shall be deposited into the fund or funds from which moneys for  
39 rent, operations or purchase have been appropriated. The commissioner shall establish by rule  
40 the procedures for leasing excess property.

41           8. The commissioner of administration is hereby authorized to coordinate and control  
42 the acquisition and use of [electronic data processing (EDP) and automatic data processing  
43 (ADP)] **network, telecommunications, and data processing services** in the executive branch  
44 of state government. For this purpose, the office of administration will have authority to:

45           (1) Develop and implement a long-range computer facilities plan for the use of [EDP and  
46 ADP] **network, telecommunications, and data processing services** in Missouri state  
47 government. Such plan may cover, but is not limited to, operational standards, standards for the  
48 establishment, function and management of service centers, coordination of the data processing  
49 education, and planning standards for application development and implementation;

50           (2) Approve all additions and deletions of [EDP and ADP] **network,**  
51 **telecommunications, and data processing services** hardware, software, and support services,  
52 and service centers;

53           (3) Establish standards for the development of annual data processing application plans  
54 for each of the service centers. These standards shall include review of post-implementation  
55 audits. These annual plans shall be on file in the office of administration and shall be the basis  
56 for equipment approval requests;

57           (4) Review of all state [EDP and ADP] **network, telecommunications, and data**  
58 **processing services** applications to assure conformance with the state information systems plan,  
59 and the information systems plans of state agencies and service centers;

60 (5) Establish procurement procedures for [EDP and ADP] **network,**  
61 **telecommunications, and data processing services** hardware, software, and support service;

62 (6) Establish a charging system to be used by all service centers when performing work  
63 for any agency;

64 (7) Establish procedures for the receipt of service center charges and payments for  
65 operation of the service centers. The commissioner shall maintain a complete inventory of all  
66 state-owned or -leased [EDP and ADP] **network, telecommunications, and data processing**  
67 **services** equipment, and annually submit a report to the general assembly which shall include  
68 starting and ending [EDP and ADP] **network, telecommunications, and data processing**  
69 **services** costs for the fiscal year previously ended, and the reasons for major increases or  
70 variances between starting and ending costs. The commissioner shall also adopt, after public  
71 hearing, rules and regulations designed to protect the rights of privacy of the citizens of this state  
72 and the confidentiality of information contained in computer tapes or other storage devices to  
73 the maximum extent possible consistent with the efficient operation of the office of  
74 administration and contracting state agencies.

75 9. Except as provided in subsection 12 of this section, the fee title to all real property  
76 now owned or hereafter acquired by the state of Missouri, or any department, division,  
77 commission, board or agency of state government, other than real property owned or possessed  
78 by the state highways and transportation commission, conservation commission, state department  
79 of natural resources, and the University of Missouri, shall on May 2, 1974, vest in the governor.  
80 The governor may not convey or otherwise transfer the title to such real property, unless such  
81 conveyance or transfer is first authorized by an act of the general assembly. The provisions of  
82 this subsection requiring authorization of a conveyance or transfer by an act of the general  
83 assembly shall not, however, apply to the granting or conveyance of an easement to any rural  
84 electric cooperative as defined in chapter 394, municipal corporation, quasi-governmental  
85 corporation owning or operating a public utility, or a public utility, except railroads, as defined  
86 in chapter 386. The governor, with the approval of the board of public buildings, may, upon the  
87 request of any state department, agency, board or commission not otherwise being empowered  
88 to make its own transfer or conveyance of any land belonging to the state of Missouri which is  
89 under the control and custody of such department, agency, board or commission, grant or convey  
90 without further legislative action, for such consideration as may be agreed upon, easements  
91 across, over, upon or under any such state land to any rural electric cooperative, as governed in  
92 chapter 394, municipal corporation, or quasi-governmental corporation owning or operating a  
93 public utility, or a public utility, except railroad, as defined in chapter 386. The easement shall  
94 be for the purpose of promoting the general health, welfare and safety of the public and shall  
95 include the right of ingress or egress for the purpose of constructing, maintaining or removing

any pipeline, power line, sewer or other similar public utility installation or any equipment or appurtenances necessary to the operation thereof, except that railroad as defined in chapter 386 shall not be included in the provisions of this subsection unless such conveyance or transfer is first authorized by an act of the general assembly. The easement shall be for such consideration as may be agreed upon by the parties and approved by the board of public buildings. The attorney general shall approve the form of the instrument of conveyance. The commissioner of administration shall prepare management plans for such properties in the manner set out in subsection 7 of this section.

10. The commissioner of administration shall administer a revolving "Administrative Trust Fund" which shall be established by the state treasurer which shall be funded annually by appropriation and which shall contain moneys transferred or paid to the office of administration in return for goods and services provided by the office of administration to any governmental entity or to the public. The state treasurer shall be the custodian of the fund, and shall approve disbursements from the fund for the purchase of goods or services at the request of the commissioner of administration or the commissioner's designee. The provisions of section 33.080 notwithstanding, moneys in the fund shall not lapse, unless and then only to the extent to which the unencumbered balance at the close of any fiscal year exceeds one-eighth of the total amount appropriated, paid, or transferred to the fund during such fiscal year, and upon approval of the oversight division of the joint committee on legislative research. The commissioner shall prepare an annual report of all receipts and expenditures from the fund.

11. All the powers, duties and functions of the department of community affairs relating to statewide planning are transferred by type I transfer to the office of administration.

12. The titles which are vested in the governor by or pursuant to this section to real property assigned to any of the educational institutions referred to in section 174.020 on June 15, 1983, are hereby transferred to and vested in the board of regents of the respective educational institutions, and the titles to real property and other interests therein hereafter acquired by or for the use of any such educational institution, notwithstanding provisions of this section, shall vest in the board of regents of the educational institution. The board of regents may not convey or otherwise transfer the title to or other interest in such real property unless the conveyance or transfer is first authorized by an act of the general assembly, except as provided in section 174.042, and except that the board of regents may grant easements over, in and under such real property without further legislative action.

13. Notwithstanding any provision of subsection 12 of this section to the contrary, the board of governors of Missouri Western State University, University of Central Missouri, Missouri State University, or Missouri Southern State University, or the board of regents of Southeast Missouri State University, Northwest Missouri State University, or Harris-Stowe State

132 University, or the board of curators of Lincoln University may convey or otherwise transfer for  
133 fair market value, except in fee simple, the title to or other interest in such real property without  
134 authorization by an act of the general assembly. The provisions of this subsection shall expire  
135 August 28, 2017.

136 14. All county sports complex authorities, and any sports complex authority located in  
137 a city not within a county, in existence on August 13, 1986, and organized under the provisions  
138 of sections 64.920 to 64.950, are assigned to the office of administration, but such authorities  
139 shall not be subject to the provisions of subdivision (4) of subsection 6 of section 1 of the  
140 Omnibus State Reorganization Act of 1974, Appendix B, RSMo, as amended.

141 15. All powers, duties, and functions vested in the administrative hearing commission,  
142 sections 621.015 to 621.205 and others, are transferred to the office of administration by a type  
143 III transfer.

37.010. 1. The governor, by and with the advice and consent of the senate, shall appoint  
2 a commissioner of administration, who shall head the "Office of Administration" which is hereby  
3 created. The commissioner of administration shall receive a salary as provided by law and shall  
4 also receive his **or her** actual and necessary expenses incurred in the discharge of his **or her**  
5 official duties. Before taking office, the commissioner of administration shall take and subscribe  
6 an oath or affirmation to support the Constitution of the United States and of this state, and to  
7 demean himself **or herself** faithfully in office. [He] **The commissioner** shall also deposit with  
8 the governor a bond, with sureties to be approved by the governor, in the amount to be  
9 determined by the governor payable to the state of Missouri, conditioned on the faithful  
10 performance of the duties of his **or her** office. The premium of this bond shall be paid out of  
11 the appropriation for the office of the governor.

12 2. The governor shall appoint the commissioner of administration with the advice and  
13 consent of the senate. The commissioner shall be at least thirty years of age and must have been  
14 a resident and qualified voter of this state for the five years next preceding his appointment. He  
15 **or she** must be qualified by training and experience to assume the managerial and administrative  
16 functions of the office of commissioner of administration.

17 3. The commissioner of administration shall, by virtue of his **or her** office, without  
18 additional compensation, head the division of budget, the division of purchasing, the division  
19 of **facilities management**, design and construction, and the **information technology services**  
20 division [of electronic data processing coordination]. Whenever provisions of the constitution  
21 grant powers, impose duties or make other reference to the comptroller, they shall be construed  
22 as referring to the commissioner of administration.

23 4. The commissioner of administration shall provide the governor with such assistance  
24 in the supervision of the executive branch of state government as the governor requires and shall

25 perform such other duties as are assigned to him **or her** by the governor or by law. The  
26 commissioner of administration shall work with other departments of the executive branch of  
27 state government to promote economy, efficiency and improved service in the transaction of state  
28 business. The commissioner of administration, with the approval of the governor, shall organize  
29 the work of the office of administration in such manner as to obtain maximum effectiveness of  
30 the personnel of the office. He may consolidate, abolish or reassign duties of positions or  
31 divisions combined within the office of administration, except for the division of personnel. He  
32 **or she** may delegate specific duties to subordinates. These subordinates shall take the same oath  
33 as the commissioner and shall be covered by the bond of the director or by separate bond as  
34 required by the governor.

35         5. The personnel division, personnel director and personnel advisory board as provided  
36 in chapter 36 shall be in the office of administration. The personnel director and employees of  
37 the personnel division shall perform such duties as directed by the commissioner of  
38 administration for personnel work in agencies and departments of state government not covered  
39 by the merit system law to upgrade state employment and to improve the uniform quality of state  
40 employment.

41         6. The commissioner of administration shall prepare a complete inventory of all real  
42 estate, buildings and facilities of state government and an analysis of their utilization. Each year  
43 he **or she** shall formulate and submit to the governor a long-range plan for the ensuing five years  
44 for the repair, construction and rehabilitation of all state properties. The plan shall set forth the  
45 projects proposed to be authorized in each of the five years with each project ranked in the order  
46 of urgency of need from the standpoint of the state as a whole and shall be upgraded each year.  
47 Project proposals shall be accompanied by workload and utilization information explaining the  
48 need and purpose of each. Departments shall submit recommendations for capital improvement  
49 projects and other information in such form and at such times as required by the commissioner  
50 of administration to enable him **or her** to prepare the long-range plan. The commissioner of  
51 administration shall prepare the long-range plan together with analysis of financing available and  
52 suggestions for further financing for approval of the governor who shall submit it to the general  
53 assembly. The long-range plan shall include credible estimates for operating purposes as well  
54 as capital outlay and shall include program data to justify need for the expenditures included.  
55 The long-range plan shall be extended, revised and resubmitted in the same manner to  
56 accompany each executive budget. The appropriate recommendations for the period for which  
57 appropriations are to be made shall be incorporated in the executive budget for that period  
58 together with recommendations for financing. Each revised long-range plan shall provide a  
59 report on progress in the repair, construction and rehabilitation of state properties and of the

60 operating purposes program for the preceding fiscal period in terms of expenditures and meeting  
61 program goals.

62 7. All employees of the office of administration, except the commissioner and not more  
63 than three other executive positions designated by the governor in an executive order, shall be  
64 subject to the provisions of chapter 36. The commissioner shall appoint all employees of the  
65 office of administration and may discharge the employees after proper hearing, provided that the  
66 employment and discharge conform to the practices governing selection and discharge of  
67 employees in accordance with the provisions of chapter 36.

68 8. The office of the commissioner of administration shall be in Jefferson City.

69 9. In case of death, resignation, removal from office or vacancy from any cause in the  
70 office of commissioner of administration, the governor shall take charge of the office and  
71 superintend the business thereof until a successor is appointed, commissioned and qualified.

[33.750.] **37.013.** As used in this section and section [33.752] **37.014:**

2 (1) "Commission" refers to the Missouri minority business [development] **advocacy**  
3 commission established under section [33.752] **37.014;**

4 (2) "Contract" means any contract awarded by a state agency for construction projects  
5 or the procurement of goods or services, including professional services;

6 (3) "Minority business enterprise" or "minority business" means an individual,  
7 partnership, corporation, or joint venture of any kind that is owned and controlled by one or more  
8 persons who are:

9 (a) United States citizens; and

10 (b) Members of a racial minority group;

11 (4) "Owned and controlled" means having:

12 (a) Ownership of at least fifty-one percent of the enterprise, including corporate stock  
13 of a corporation;

14 (b) Control over the management and day-to-day operations of the business; and

15 (c) An interest in the capital, assets, and profits and losses of the business proportionate  
16 to the percentage of ownership;

17 (5) "Racial minority group" means:

18 (a) Blacks;

19 (b) American Indians;

20 (c) Hispanics;

21 (d) Asian Americans; and

22 (e) Other similar racial minority groups;

23 (6) "State agency" refers to an authority, board, branch, commission, committee,  
24 department, division, or other instrumentality of the executive branch of state government.

[33.752.] **37.014.** 1. There is hereby established the "Missouri Minority Business Advocacy Commission". The commission shall consist of nine members:

- (1) The director of the department of economic development;
- (2) The commissioner of the office of administration;
- (3) Three minority business persons, appointed by the governor, one of whom shall be designated chairman of the commission;
- (4) Two members of the house of representatives appointed by the speaker of the house of representatives;
- (5) Two members of the senate appointed by the president pro tempore of the senate.

No more than two of the three members appointed by the governor may be of the same political party. Appointed members of the commission shall serve four-year terms, except that of the initial appointments made by the governor, one shall be for a two-year term, one shall be for a three-year term and one shall be for a four-year term. A vacancy occurs if a legislative member leaves office for any reason. Any vacancy on the commission shall be filled in the same manner as the original appointment.

2. [The department of economic development and the office of administration shall develop a plan to increase procurements from minority businesses by all state departments and submit that plan to the governor by July, 1994.

3.] Each member appointed by the governor shall receive as compensation a per diem of up to thirty-five dollars for each day devoted to the affairs of the commission and be reimbursed for his **or her** actual and necessary expenses incurred in the discharge of his **or her** official duties.

[4.] **3.** Each legislative member of the commission is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim committees. The allowances specified in this subsection shall be paid from the amounts appropriated for that purpose.

[5.] **4.** The commission shall meet at least three times each year and at other times as the chairman deems necessary.

[6.] **5.** The duties of the commission shall include, but not be limited to, the following:

- (1) Identify minority businesses in the state;
- (2) Assess the needs of minority businesses;
- (3) Initiate aggressive programs to assist minority businesses in obtaining state contracts and federal agency procurements;
- (4) Give special publicity to procurement, bidding, and qualifying procedures;
- (5) Include minority businesses on solicitation mailing lists;

36 (6) Make recommendations regarding policies, programs and procedures to be  
37 implemented by the commissioner of the office of administration;

38 (7) Prepare and maintain timely data on minority business qualified to bid on state and  
39 federal procurement projects;

40 (8) Prepare a review of the commission and the various affected departments of  
41 government to be submitted to the governor and the general assembly on March first and October  
42 first of each year, evaluating progress made in the areas defined in this subsection;

43 (9) Provide a focal point and assist and counsel minority small businesses in their  
44 dealings with federal, state and local governments regarding the obtaining of business licenses  
45 and permits, including, but not limited to, providing ready access to information regarding  
46 government requirements which affect minority small business;

47 (10) Analyze current legislation and regulation as it affects minority business for the  
48 purpose of determining methods of elimination or simplification of unnecessary regulatory  
49 requirements;

50 (11) Assist minority businesses in obtaining available technical and financial assistance;

51 (12) Initiate and encourage minority business education programs, including programs  
52 in cooperation with various public and private educational institutions;

53 (13) Receive complaints and recommendations concerning policies and activities of  
54 federal, state and local governmental agencies which affect minority small businesses, and  
55 develop, in cooperation with the agency involved, proposals for changes in policies or activities  
56 to alleviate any unnecessary adverse effects to minority small business.

57 [7.] 6. The [department of economic development] **office of administration** shall furnish  
58 administrative support and staff for the effective operation of the commission.

[33.756.] **37.016.** The minority business [development] **advocacy** commission shall  
2 consult with the tourism commission in establishing rules and regulations for African-American  
3 and other minority business participation.

37.020. 1. As used in this section, the following words and phrases mean:

2 (1) "Certification", the determination, through whatever procedure is used by the office  
3 of administration, that a legal entity is a socially and economically disadvantaged small business  
4 concern for purposes of this section;

5 (2) "Department", the office of administration and any public institution of higher  
6 learning in the state of Missouri;

7 (3) "Minority business enterprise", a business that is:

8 (a) A sole proprietorship owned and controlled by a minority;

9 (b) A partnership or joint venture owned and controlled by minorities in which at least  
10 fifty-one percent of the ownership interest is held by minorities and the management and daily  
11 business operations of which are controlled by one or more of the minorities who own it; or

12 (c) A corporation or other entity whose management and daily business operations are  
13 controlled by one or more minorities who own it, and which is at least fifty-one percent owned  
14 by one or more minorities, or if stock is issued, at least fifty-one percent of the stock is owned  
15 by one or more minorities;

16 (4) "Socially and economically disadvantaged individuals", individuals, regardless of  
17 gender, who have been subjected to racial, ethnic, or sexual prejudice or cultural bias because  
18 of their identity as a member of a group without regard to their individual qualities and whose  
19 ability to compete in the free enterprise system has been impaired due to diminished capital and  
20 credit opportunities as compared to others in the same business area. In determining the degree  
21 of diminished credit and capital opportunities the office of administration shall consider, but not  
22 be limited to, the assets and net worth of such individual;

23 (5) "Socially and economically disadvantaged small business concern", any small  
24 business concern:

25 (a) Which is at least fifty-one percentum owned by one or more socially and  
26 economically disadvantaged individuals; or, in the case of any publicly owned business, at least  
27 fifty-one percentum of the stock of which is owned by one or more socially and economically  
28 disadvantaged individuals; and

29 (b) Whose management and daily business operations are controlled by one or more of  
30 such individuals;

31 (6) "Women's business enterprise", a business that is:

32 (a) A sole proprietorship owned and controlled by a woman;

33 (b) A partnership or joint venture owned and controlled by women in which at least  
34 fifty-one percent of the ownership interest is held by women and the management and daily  
35 business operations of which are controlled by one or more of the women who own it; or

36 (c) A corporation or other entity whose management and daily business operations are  
37 controlled by one or more women who own it, and which is at least fifty-one percent owned by  
38 women, or if stock is issued, at least fifty-one percent of the stock is owned by one or more  
39 women.

40 2. The office of administration, in consultation with each department, shall establish and  
41 implement a plan to increase and maintain the participation of certified socially and economically  
42 disadvantaged small business concerns or minority business enterprises, directly or indirectly,  
43 in contracts for supplies, services, and construction contracts, consistent with goals determined  
44 after an appropriate study conducted to determine the availability of socially and economically

45 disadvantaged small business concerns and minority business enterprises in the marketplace.  
46 [Such study shall be completed by December 31, 1991.] The commissioner of administration  
47 shall appoint an oversight review committee to oversee and review the results of such study. The  
48 committee shall be composed of nine members, four of whom shall be members of business,  
49 three of whom shall be from staff of selected departments, one of whom shall be a member of  
50 the house of representatives, and one of whom shall be a member of the senate.

51 3. The goals to be pursued by each department under the provisions of this section shall  
52 be construed to overlap with those imposed by federal law or regulation, if any, shall run  
53 concurrently therewith and shall be in addition to the amount required by federal law only to the  
54 extent the percentage set by this section exceeds those required by federal law or regulations.

37.110. The commissioner of administration shall establish [a data processing unit] **the**  
2 **information technology services division** within the office, and this unit shall make  
3 recommendations and suggestions to all agencies and departments, and to the general assembly.  
4 No state data processing equipment shall be added or disposed of by any state agency by sale,  
5 lease or otherwise without the approval of this unit.

160.545. 1. There is hereby established within the department of elementary and  
2 secondary education the "A+ Schools Program" to be administered by the commissioner of  
3 education. The program shall consist of grant awards made to public secondary schools that  
4 demonstrate a commitment to ensure that:

5 (1) All students be graduated from school;

6 (2) All students complete a selection of high school studies that is challenging and for  
7 which there are identified learning expectations; and

8 (3) All students proceed from high school graduation to a college or postsecondary  
9 vocational or technical school or high-wage job with work place skill development opportunities.

10 2. The state board of education shall promulgate rules and regulations for the approval  
11 of grants made under the program to schools that:

12 (1) Establish measurable districtwide performance standards for the goals of the program  
13 outlined in subsection 1 of this section; and

14 (2) Specify the knowledge, skills and competencies, in measurable terms, that students  
15 must demonstrate to successfully complete any individual course offered by the school, and any  
16 course of studies which will qualify a student for graduation from the school; and

17 (3) Do not offer a general track of courses that, upon completion, can lead to a high  
18 school diploma; and

19 (4) Require rigorous coursework with standards of competency in basic academic  
20 subjects for students pursuing vocational and technical education as prescribed by rule and  
21 regulation of the state board of education; and

22           (5) Have a partnership plan developed in cooperation and with the advice of local  
23 business persons, labor leaders, parents, and representatives of college and postsecondary  
24 vocational and technical school representatives, with the plan then approved by the local board  
25 of education. The plan shall specify a mechanism to receive information on an annual basis from  
26 those who developed the plan in addition to senior citizens, community leaders, and teachers to  
27 update the plan in order to best meet the goals of the program as provided in subsection 1 of this  
28 section. Further, the plan shall detail the procedures used in the school to identify students that  
29 may drop out of school and the intervention services to be used to meet the needs of such  
30 students. The plan shall outline counseling and mentoring services provided to students who will  
31 enter the work force upon graduation from high school, address apprenticeship and intern  
32 programs, and shall contain procedures for the recruitment of volunteers from the community  
33 of the school to serve in schools receiving program grants.

34           3. A school district may participate in the program irrespective of its accreditation  
35 classification by the state board of education, provided it meets all other requirements.

36           4. By rule and regulation, the state board of education may determine a local school  
37 district variable fund match requirement in order for a school or schools in the district to receive  
38 a grant under the program. However, no school in any district shall receive a grant under the  
39 program unless the district designates a salaried employee to serve as the program coordinator,  
40 with the district assuming a minimum of one-half the cost of the salary and other benefits  
41 provided to the coordinator. Further, no school in any district shall receive a grant under the  
42 program unless the district makes available facilities and services for adult literacy training as  
43 specified by rule of the state board of education.

44           5. For any school that meets the requirements for the approval of the grants authorized  
45 by this section and specified in subsection 2 of this section for three successive school years, by  
46 August first following the third such school year, the commissioner of education shall present  
47 a plan to the superintendent of the school district in which such school is located for the waiver  
48 of rules and regulations to promote flexibility in the operations of the school and to enhance and  
49 encourage efficiency in the delivery of instructional services in the school. The provisions of  
50 other law to the contrary notwithstanding, the plan presented to the superintendent shall provide  
51 a summary waiver, with no conditions, for the pupil testing requirements pursuant to section  
52 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the  
53 plan shall detail a means for the waiver of requirements otherwise imposed on the school related  
54 to the authority of the state board of education to classify school districts pursuant to subdivision  
55 (9) of section 161.092 and such other rules and regulations as determined by the commissioner  
56 of education, except such waivers shall be confined to the school and not other schools in the  
57 school district unless such other schools meet the requirements of this subsection. However,

58 any waiver provided to any school as outlined in this subsection shall be void on June thirtieth  
59 of any school year in which the school fails to meet the requirements for the approval of the  
60 grants authorized by this section as specified in subsection 2 of this section.

61 6. For any school year, grants authorized by subsections 1 to 3 of this section shall be  
62 funded with the amount appropriated for this program, less those funds necessary to reimburse  
63 eligible students pursuant to subsection 7 of this section.

64 7. The [commissioner of] **department of higher** education shall, by rule [and regulation  
65 of the state board of education and with the advice of the coordinating board for higher  
66 education], establish a procedure for the reimbursement of the cost of tuition, books and fees to  
67 any public community college or vocational or technical school or within the limits established  
68 in subsection 9 of this section for any two-year private vocational or technical school for any  
69 student:

70 (1) Who has attended a public high school in the state for at least three years immediately  
71 prior to graduation that meets the requirements of subsection 2 of this section[,] ; except that,  
72 students who are active duty military dependents, and students who are dependants of retired  
73 military who relocate to Missouri within one year of the date of the parent's retirement from  
74 active duty, who, in the school year immediately preceding graduation, meet all other  
75 requirements of this subsection and are attending a school that meets the requirements of  
76 subsection 2 of this section shall be exempt from the three-year attendance requirement of this  
77 subdivision; and

78 (2) Who has made a good faith effort to first secure all available federal sources of  
79 funding that could be applied to the reimbursement described in this subsection; and

80 (3) Who has earned a minimal grade average while in high school as determined by rule  
81 of the [state board of] **department of higher** education, and other requirements for the  
82 reimbursement authorized by this subsection as determined by rule and regulation of said board.

83 8. The commissioner of education shall develop a procedure for evaluating the  
84 effectiveness of the program described in this section. Such evaluation shall be conducted  
85 annually with the results of the evaluation provided to the governor, speaker of the house, and  
86 president pro tempore of the senate.

87 9. For a two-year private vocational or technical school to obtain reimbursements under  
88 subsection 7 of this section, the following requirements shall be satisfied:

89 (1) Such two-year private vocational or technical school shall be a member of the North  
90 Central Association and be accredited by the Higher Learning Commission as of July 1, 2008,  
91 and maintain such accreditation;

92 (2) Such two-year private vocational or technical school shall be designated as a  
93 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended;

94 (3) No two-year private vocational or technical school shall receive tuition  
95 reimbursements in excess of the tuition rate charged by a public community college for course  
96 work offered by the private vocational or technical school within the service area of such college;  
97 and

98 (4) The reimbursements provided to any two-year private vocational or technical school  
99 shall not violate the provisions of article IX, section 8, or article I, section 7, of the Missouri  
100 Constitution or the first amendment of the United States Constitution.

161.418. 1. The department of [elementary and secondary] **higher** education shall  
2 develop criteria, with input from teacher educators in this state, to select which of the eligible  
3 applicants shall receive the scholarships made available under sections 161.415 to 161.424.

4 2. Students making application for the scholarships provided under sections 161.415 to  
5 161.424 shall indicate their first, second, and third preference as to which of the colleges and  
6 universities which have provided the necessary matching funds to participate in the scholarship  
7 program established under sections 161.415 to 161.424 they wish to attend. The department of  
8 [elementary and secondary] **higher** education, in conjunction with those colleges and universities  
9 which have provided the necessary matching funds, shall develop procedures for matching  
10 students eligible for the scholarships provided under sections 161.415 to 161.424 with such  
11 colleges and universities.

161.424. 1. Every student receiving scholarships under the provisions of sections  
2 161.415 to 161.424 shall teach in an elementary or secondary public school in this state for a  
3 period of five years after receiving a degree or the scholarship shall be treated as a loan to the  
4 student and interest at the rate of nine and one-half percent per year shall be charged upon the  
5 unpaid balance of the amount received from the date the student ceases to teach until the amount  
6 received is paid back to the state. For each year that the student teaches up to five years,  
7 one-fifth of the amount which was received under sections 161.415 to 161.424 shall be applied  
8 against the total amount received and shall not be subject to the repayment requirement of this  
9 section.

10 2. The [state board of] **department of higher** education shall have the power to and shall  
11 defer interest and principal payments under certain circumstances, which shall include, but need  
12 not be limited to, the enrollment in a graduate program, service in any branch of the armed forces  
13 of the United States, or teaching in areas of critical need as defined by the state board of  
14 **education**.

[191.850.] **161.900**. As used in sections [191.850 to 191.863] **161.900 to 161.945**, the  
2 following terms mean:

3           (1) "Accessibility", compliance with nationally accepted accessibility and usability  
4 standards, such as those established in Section 255 of the Telecommunications Act of 1996 and  
5 Section 508 of the Workforce Investment Act of 1998;

6           (2) "Assistive technology device", any item, piece of equipment, or product system,  
7 whether acquired commercially off the shelf, modified, or customized, that is used to increase,  
8 maintain or improve functional capabilities of individuals with disabilities;

9           (3) "Assistive technology service", any service that directly assists an individual with a  
10 disability in the selection, acquisition or use of an assistive technology device. Such term  
11 includes:

12           (a) The evaluation of the needs of an individual with a disability, including a functional  
13 evaluation of the individual in the individual's customary environment;

14           (b) Purchasing, leasing or otherwise providing for the acquisition of assistive technology  
15 devices by individuals with disabilities;

16           (c) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing  
17 or replacing assistive technology devices;

18           (d) Coordinating and using other therapies, interventions or services with assistive  
19 technology devices, such as those associated with existing education and rehabilitation plans and  
20 programs;

21           (e) Training or technical assistance for an individual with disabilities, or, where  
22 appropriate, the family of an individual with disabilities; and

23           (f) Training or technical assistance for professionals, including individuals providing  
24 education and rehabilitation services, employers, or other individuals who provide services to,  
25 who employ, or who are otherwise substantially involved in the major life functions of  
26 individuals with disabilities;

27           (4) "Individual with disabilities", any individual who is considered to have a disability  
28 or handicap for the purposes of any federal or Missouri law;

29           (5) "Information technology", any electronic information equipment or interconnected  
30 system that is used in the acquisition, storage, manipulation, management, movement, control,  
31 display, switching, interchange, transmission, or reception of data or information, including  
32 audio, graphic and text;

33           (6) "State department or agency", each department, office, board, bureau, commission,  
34 or other unit of the executive, legislative or judicial branch of state government, including public  
35 four-year and two-year colleges and universities;

36           (7) "Undue burden", significant difficulty or expense, including, but not limited to,  
37 difficulty or expense associated with technical feasibility.

[191.853.] **161.905.** 1. The "Missouri Assistive Technology Advisory Council" is hereby established, as created pursuant to the Missouri state grant under Title I of the Technology-Related Assistance for Individuals with Disabilities Act of 1988, P.L. 100-407.

2. The voting membership of the advisory council shall be composed of twenty-three members. [The members of the council that are serving on August 28, 1993, shall continue to serve in their normal capacities. The original twenty-one members shall determine by lot which seven are to have a one-year term, which seven are to have a two-year term, and which seven are to have a three-year term. Thereafter,] The successors to each of the **original** twenty-one members shall serve a three-year term and until his **or her** successor is appointed by the governor. The members appointed by the governor shall include twelve consumer representatives, the group consisting of individuals with disabilities, parents, spouses, or guardians of individuals with disabilities and shall include a variety of types of disabilities across the age span from all geographic areas of the state, and nine agency representatives, the group consisting of one representative of the division of vocational rehabilitation, one representative of the division of special education, one representative of the department of insurance, financial institutions and professional registration, one representative of rehabilitation services for the blind, one representative of the division of medical services, one representative of the department of health and senior services, one representative of the department of mental health, and two representatives of other agencies or organizations responsible for the service delivery, policy implementation, and funding of assistive technology. In addition, one member who is a member of the house of representatives shall be appointed by the speaker of the house and one member who is a member of the senate shall be appointed by the president pro tempore of the senate. The appointment of individuals representing state agencies shall be conditioned on their continued employment with their respective agencies.

3. A chairperson shall be elected by the council. The council shall meet at the call of the chairperson, but not less often than four times each year.

[191.855.] **161.910.** 1. The council shall adopt written bylaws to govern its activities.

2. Members shall receive no additional compensation for their service to the council, but shall be reimbursed for reasonable and necessary expenses actually incurred in the performance of official duties.

[191.857.] **161.915.** The Missouri assistive technology advisory council is assigned to the lead agency for the Technology-Related Assistance for Individuals with Disabilities Act as designated by the governor so long as funds are available under such act.

[191.858.] **161.920.** At such time that federal funds are no longer provided pursuant to the Technology-Related Assistance for Individuals with Disabilities Act, as amended, the council shall be assigned to the [office of administration] **department of elementary and secondary**

4 **education** as if by a type III transfer, as this term is defined in paragraph (c) of subdivision (1)  
5 of subsection 7 of section 1 of the omnibus state reorganization act of 1974. The council may  
6 not take any official action after the assignment to the [office of administration] **department of**  
7 **elementary and secondary education** unless or until funds are specifically appropriated by line  
8 item to fund the actions of the council and to provide the staff and expenses necessary to carry  
9 out the official duties and responsibilities of the council.

[191.859.] **161.925.** The council shall advocate for assistive technology policies,  
2 regulations and programs, and shall establish a consumer-responsive, comprehensive assistive  
3 technology service delivery system. The council shall:

- 4 (1) Promote awareness of the needs of individuals with disabilities for assistive  
5 technology devices and services and the efficacy of providing such devices and services to allow  
6 persons with disabilities to be productive and independent;
- 7 (2) Gain an understanding of current policies, practices, and procedures that facilitate  
8 or impede the availability or provision of assistive technology and recommend methods to  
9 streamline such policies;
- 10 (3) Research and study data from the major public and private providers of assistive  
11 technology regarding numbers and types of devices and services delivered;
- 12 (4) Establish interagency coordination mechanisms among state agencies and public and  
13 private entities that provide assistive technology devices and services in an effort to eliminate  
14 gaps and reduce duplication of such services to individuals with disabilities;
- 15 (5) Foster the capacity of public and private entities to provide assistive technology  
16 devices and services so that individuals with disabilities of all ages will, to the extent  
17 appropriate, be able to secure and maintain possession of assistive technology as needed to  
18 function independently and productively;
- 19 (6) Recommend and implement specific methods and programs to increase availability  
20 of and funding for assistive technology devices and assistive technology services for individuals  
21 with disabilities;
- 22 (7) Employ staff necessary to implement assistive technology services and programs  
23 assigned to the council, with all employees exempt from the state merit system under chapter 36;
- 24 (8) Enter into grants or contracts with public or private agencies, schools, or qualified  
25 individuals or organizations to deliver federally required or otherwise necessary assistive  
26 technology programs and services, including but not limited to assistive device demonstration  
27 programs, device recycling programs, device loan programs, financial loan programs, and  
28 assistive technology assessments, installation, and usage training for individuals with disabilities,  
29 with or without utilizing the procurement procedures of the office of administration;

30 (9) Administer the assistive technology trust fund created in section [191.861] **161.930**,  
31 including the formation of a not-for-profit corporation that qualifies as a Section 501(c)(3)  
32 organization under the Internal Revenue Code of 1986, as amended;

33 (10) Accept, administer, and disburse federal moneys as the lead agency for the federal  
34 Assistive Technology Act of 2004, P.L. 108-364, and any amendments or successors thereto, as  
35 well as moneys from the assistive technology trust fund created in section [191.861] **161.930**,  
36 and any other moneys appropriated, granted, or given for the purpose of implementing assistive  
37 technology programs and services; and

38 (11) Report annually by January first to the governor and the general assembly on  
39 council activities and the results of its studies, programs, services, and recommendations to  
40 increase access to assistive technology.

[191.861.] **161.930.** 1. There is hereby created in the state treasury the "Assistive  
2 Technology Trust Fund" which shall be a public/private partnership fund administered by the  
3 advisory assistive technology council. The fund shall consist of gifts, donations, grants, and  
4 bequests from individuals, private organizations, foundations, or other sources granted or given  
5 for the specific purpose of assistive technology, and moneys transferred or paid to the council  
6 in return for goods and services provided by the council.

7 2. Upon appropriation, moneys in the fund shall be used to establish and maintain  
8 assistive technology programs and services provided by the council under section [191.859]  
9 **161.925** and shall not be used to supplant any existing program or service.

10 3. Notwithstanding the provisions of section 33.080 to the contrary, any moneys  
11 remaining in the fund at the end of the biennium shall not revert to the credit of the general  
12 revenue fund.

13 4. The state treasurer shall invest moneys in the fund in the same manner as other funds  
14 are invested. Any interest and moneys earned on such investments shall be credited to the fund.

[191.863.] **161.935.** 1. The council shall work in conjunction with the office of  
2 information technology **services division** to assure state compliance with the provisions of  
3 Section 508 of the Workforce Investment Act of 1998 regarding accessibility of information  
4 technology for individuals with disabilities.

5 2. When developing, procuring, maintaining or using information technology, or when  
6 administering contracts or grants that include the procurement, development, or upgrading of  
7 information technology, each state department or agency shall ensure, unless an undue burden  
8 would be imposed on the department or agency, that the information technology allows  
9 employees, program participants and members of the general public access to and use of  
10 information and data that is comparable to the access by individuals without disabilities.

11           3. To assure accessibility, the council and the office of information technology **services**  
12 **division** shall:

13           (1) Adopt accessibility standards to be used by each state department or agency in the  
14 procurement of information technology, and in the development and implementation of  
15 custom-designed information technology systems, websites and other emerging information  
16 technology systems;

17           (2) Establish and implement a review procedure to be used to evaluate the accessibility  
18 of custom-designed information technology systems proposed by a state department or agency  
19 prior to expenditure of state funds;

20           (3) Review and evaluate accessibility of information technology commonly purchased  
21 by state departments and agencies, and provide accessibility reports on such products to those  
22 responsible for purchasing decisions;

23           (4) Provide training and technical assistance for state departments and agencies to assure  
24 procurement of information technology that meets adopted accessibility standards;

25           (5) Involve individuals with disabilities in accessibility reviews of information  
26 technology and in the delivery of training and technical assistance;

27           (6) Establish complaint procedures, consistent with Section 508 of the Workforce  
28 Development Act of 1998 to be used by an individual with a disability who alleges that a state  
29 department or agency fails to comply with the provisions of this section.

          [191.865.] **161.940.** 1. The Missouri assistive technology advisory council, established  
2 in section [191.853] **161.905**, shall establish an assistive technology loan program. The loan  
3 program shall be funded from the assistive technology loan revolving fund established pursuant  
4 to section [191.867] **161.945**. The fund shall receive any appropriation and grant moneys  
5 received pursuant to subsection 2 of this section to provide loans for the purchase of assistive  
6 technology devices and services, as defined in section [191.850] **161.900**.

7           2. The loan program shall provide loans for the first fiscal year following appropriation.  
8 Any matching grant moneys received by the state pursuant to Title III of the federal Assistive  
9 Technology Act of 1998 or through any other applicable sources shall be used to fund the loan  
10 program. The state treasurer shall provide the assistive technology advisory council with  
11 information on the amount of moneys in the assistive technology loan revolving fund at the  
12 beginning of each fiscal year. The council shall quarterly expend such moneys in four equal  
13 shares to ensure that the loan program will provide loans throughout the entire fiscal year. Any  
14 repayments or interest earned during a fiscal year shall not be used for loans in the current fiscal  
15 year, but shall be carried over for use in the next fiscal year.

16           3. The interest rates for loans shall be lower than comparable commercial lending rates  
17 and shall be established by the council based on the borrower's ability to pay. Loans may be  
18 made with no interest. Loan repayment periods shall not exceed ten years.

19           4. The council shall:

20           (1) Promulgate rules relating to borrower eligibility, interest rates, repayment terms and  
21 other matters necessary to implement the purpose of this section, including limits on the number  
22 and amounts of loans to assure the continued solvency of the fund; and

23           (2) File annual reports with the governor and general assembly which shall include an  
24 accounting of the loans and repayments to the fund during the preceding fiscal year.

25           5. The council may enter into contracts as necessary to carry out the purposes of this  
26 section, including but not limited to contracts with disability organizations and lending  
27 institutions.

28           6. By no later than January 1, 2001, the council shall submit a report to the general  
29 assembly regarding any rules proposed or promulgated for the implementation of this program.

30           7. No rule or portion of a rule promulgated pursuant to the authority of this section shall  
31 become effective unless it has been promulgated pursuant to chapter 536.

          [191.867.] **161.945.** 1. In order to allow Missourians with disabilities to take advantage  
2 of Title III of the federal Assistive Technology Act of 1998, there is hereby created in the state  
3 treasury the "Assistive Technology Loan Revolving Fund" which shall be administered by the  
4 Missouri assistive technology advisory council and the state treasurer.

5           2. Moneys in the fund shall, upon appropriation, be used to establish and maintain the  
6 assistive technology loan program established in section [191.865] **161.940.**

7           3. The fund shall consist of any moneys appropriated to the fund, repayments of principal  
8 and interest by qualified borrowers, and interest earned on the moneys in the fund.

9           4. The fund may accept federal, state and other public funds, public or private grants,  
10 contributions and loans to the fund with the approval of the Missouri assistive technology  
11 advisory council.

12           5. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the fund  
13 shall not revert to the general revenue fund at the end of the biennium.

          181.110. 1. For the purpose of providing the services described in this section, each  
2 agency shall have the following responsibilities and powers:

3           (1) To submit to the state library electronically each publication created by the agency  
4 in a manner consistent with the state's enterprise architecture;

5           (2) To determine the format used to publish;

6           (3) For those publications which the agency determines shall be printed and published  
7 in paper, to supply the number of copies for participating libraries as determined by the secretary  
8 of state;

9           (4) To assign a designee as a contact for the state publications access program and  
10 forward this information to the secretary of state annually.

11           2. For the purpose of providing the services described in this section, the secretary of  
12 state shall have the following responsibilities:

13           (1) [The secretary,] Through the state library, [shall] **to** provide a secure electronic  
14 repository of state publications. Access to the state publications in the repository shall be  
15 provided through multiple methods of access, including the statewide online library catalog and  
16 a publicly accessible electronic network;

17           (2) [The secretary shall] **To** create, in administrative rule, the criteria for selection of  
18 participating libraries and the responsibilities incumbent upon those libraries in serving the  
19 citizens of Missouri;

20           (3) [The secretary shall] **To** set by administrative rule the electronic formats acceptable  
21 for submission of publications to the electronic repository;

22           (4) [The secretary] May issue and promulgate rules to enforce, implement and effectuate  
23 the powers and duties established in sections 181.100 to 181.130.

24           3. For the purpose of providing the services described in this section, the state library  
25 shall have the following responsibilities, all to be performed in a manner consistent with  
26 e-government:

27           (1) [The state library shall] **To** administer the electronic repository of state publications  
28 for access by the citizens of Missouri, and receive and distribute publications in other formats,  
29 which will be housed and made available to the public by the participating libraries;

30           (2) [The state library shall] **To** ensure the organization and classification of state  
31 publications regardless of formats and the distribution of materials in additional formats to  
32 participating libraries;

33           (3) [The state library shall] **To** publish regularly a list of all publications of the agencies,  
34 regardless of format.

35           4. For the purpose of providing the services described in this section, the participating  
36 libraries shall have the following responsibilities:

37           (1) To ensure citizens who come to the library will be able to access publications  
38 electronically;

39           (2) To maintain paper copies of those state publications that agencies publish in paper  
40 that are designated by the secretary of state to be included in the Missouri state publications  
41 access program;

42 (3) To maintain a collection of older state publications published by the agencies in  
43 paper and designated by the secretary of state to be included in the Missouri state publications  
44 access program;

45 (4) To provide training for staff of other libraries to assist the public in the use of state  
46 publications;

47 (5) To assist agencies in the distribution of paper copies of state publications to the  
48 public.

49 5. All responsibilities and powers set out in this section shall be carried out consistent  
50 with the provisions of section [191.863] **161.935**.

51 6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
52 under the authority delegated in this chapter shall become effective only if it complies with and  
53 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section  
54 and chapter 536 are nonseverable and if any of the powers vested with the general assembly  
55 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule  
56 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
57 proposed or adopted after August 28, 2004, shall be invalid and void.

196.1103. The management, governance, and control of moneys appropriated from the  
2 life sciences research trust fund shall be vested in the "Life Sciences Research Board" which is  
3 hereby created in the [office of administration] **department of economic development** as a type  
4 III [division] **agency** and which shall consist of seven members. The following provisions shall  
5 apply to the life sciences research board and its members:

6 (1) Each member shall be appointed by the governor with the advice and consent of the  
7 senate pursuant to the procedures herein set forth for a term of four years; except that, of the  
8 initial members of the board appointed, three shall be appointed for two-year terms and four shall  
9 be appointed to four-year terms;

10 (2) The members of the board shall be generally familiar with the life sciences and  
11 current research trends and developments with either technical or scientific expertise in life  
12 sciences and with an understanding of the application of the results of life sciences research. The  
13 appointment of a person to the life sciences research committee created by Executive Order  
14 01-10 issued by the governor on July 23, 2001, shall not disqualify a person from serving as a  
15 member, either contemporaneously or later, on the life sciences research board;

16 (3) No member of the life sciences research board shall serve more than two consecutive  
17 full four-year terms;

18 (4) The members of the life sciences research board shall receive no salary or other  
19 compensation for their services as a member of the board, but shall receive reimbursement for

20 their actual and necessary expenses incurred in performance of their duties as members of the  
21 board.

[192.935.] **209.015.** 1. There is hereby created in the state treasury the "Blindness  
2 Education, Screening and Treatment Program Fund". The fund shall consist of moneys donated  
3 pursuant to subsection 7 of section 301.020 and subsection 3 of section 302.171. Unexpended  
4 balances in the fund at the end of any fiscal year shall not be transferred to the general revenue  
5 fund or any other fund, the provisions of section 33.080 to the contrary notwithstanding.

6 2. Subject to the availability of funds in the blindness education, screening and treatment  
7 program fund, the department **of social services** shall develop a blindness education, screening  
8 and treatment program to provide blindness prevention education and to provide screening and  
9 treatment for persons who do not have adequate coverage for such services under a health benefit  
10 plan.

11 3. The program shall provide for:

- 12 (1) Public education about blindness and other eye conditions;  
13 (2) Screenings and eye examinations to identify conditions that may cause blindness;  
14 (3) Treatment procedures necessary to prevent blindness; and  
15 (4) Any additional costs for vision examinations under section 167.195 that are not  
16 covered by existing public **or private** health insurance. Subject to appropriations, moneys from  
17 the fund shall be used to pay for those additional costs, provided that the costs do not exceed  
18 ninety-nine thousand dollars per year. Payment from the fund for vision examinations under  
19 section 167.195 shall not exceed the allowable state Medicaid reimbursement amount for vision  
20 examinations.

21 4. The department may contract for program development with any department-approved  
22 nonprofit organization dealing with regional and community blindness education, eye donor and  
23 vision treatment services.

24 5. The department may adopt rules to prescribe eligibility requirements for the program.

25 6. No rule or portion of a rule promulgated pursuant to the authority of this section shall  
26 become effective unless it has been promulgated pursuant to the provisions of chapter 536.

209.251. As used in sections 209.251 to 209.259, the following terms mean:

- 2 (1) "Adaptive telecommunications equipment", equipment that translates, enhances or  
3 otherwise transforms the receiving or sending of telecommunications into a form accessible to  
4 individuals with disabilities. The term adaptive telecommunications equipment includes  
5 adaptive telephone equipment and other types of adaptive devices such as computer input and  
6 output adaptations necessary for telecommunications access;

7 (2) "Basic telecommunications access line", a telecommunications line which provides  
8 service from the telephone company central office to the customer's premises which enables the  
9 customer to originate and terminate long distance and local telecommunications;

10 (3) "Commission", the public service commission;

11 (4) "Consumer support and outreach", services that include, but are not limited to,  
12 assisting individuals with disabilities or their families or caregivers in the selection of the most  
13 appropriate adaptive telecommunications equipment to meet their needs, providing basic training  
14 and technical assistance in the installation and use of adaptive telecommunications equipment,  
15 and development and dissemination of information to increase awareness and use of adaptive  
16 telecommunications equipment;

17 (5) "Department", the department of [labor and industrial relations] **elementary and**  
18 **secondary education**;

19 (6) "Eligible subscriber", any individual who has been certified as deaf,  
20 hearing-impaired, speech-impaired or as having another disability that causes the inability to use  
21 telecommunications equipment and services by a licensed physician, audiologist, speech  
22 pathologist, hearing instrument specialist or a qualified agency;

23 (7) "Missouri assistive technology advisory council" or "council", the body which directs  
24 the Missouri assistive technology program pursuant to sections [191.850 to 191.865] **161.900**  
25 **to 161.945**;

26 (8) "Program administrator", the entity or entities designated to design the statewide  
27 telecommunications equipment distribution program, develop and implement the program  
28 policies and procedures, assure delivery of consumer support and outreach and account for and  
29 pay all program expenses;

30 (9) "Surcharge", an additional charge which is to be paid by local exchange telephone  
31 company subscribers pursuant to the rate recovery mechanism established pursuant to sections  
32 209.255, 209.257 and 209.259 in order to implement the programs described in sections 209.251  
33 to 209.259;

34 (10) "Telecommunications", the transmission of any form of information including, but  
35 not limited to, voice, graphics, text, dynamic content, and data structures of all types whether  
36 they are in electronic, visual, auditory, optical or any other form;

37 (11) "Telecommunications device for the deaf" or "TDD", a telecommunications device  
38 capable of allowing deaf, hearing-impaired or speech-impaired individuals to transmit messages  
39 over basic telephone access lines by sending and receiving typed messages.

217.575. 1. All goods manufactured, services provided or produce of the vocational  
2 enterprises program of the state shall, upon the requisition of the proper official, be furnished to  
3 the state, to any public institution owned, managed or controlled by the state, or to any private

4 entity that is leasing space to any agency of the state government for use in space leased to the  
5 state agency, at such prices as shall be determined as provided in subsection 4 of this section.

6         2. No goods or services so manufactured, provided or produced shall be purchased from  
7 any other source for the state or public institutions of the state unless the department shall certify  
8 the goods or services included in the requisition cannot be furnished or supplied by the  
9 vocational enterprises program within ninety days, or, in the event the same goods or services  
10 cannot be procured on the open market within ninety days, that the vocational enterprises  
11 program cannot supply them within a reasonable time. No claims for the payment of such goods  
12 or services shall be audited or paid without this certificate. One copy each of the requisition or  
13 certificate shall be retained by the department.

14         3. The division of purchasing and the division of **facilities management**, design and  
15 construction shall cooperate with the department in seeking to promote for use by state agencies  
16 and in state-owned or -occupied facilities the products manufactured and services provided by  
17 the vocational enterprises program.

18         4. The vocational enterprises program shall fix and determine the prices at which goods  
19 and produce so manufactured and produced and services so provided shall be furnished, and the  
20 prices shall be uniform to all. The cost shall not be fixed at more than the market price for like  
21 goods and services.

22         5. Any differences between the vocational enterprises program and the state, its  
23 departments, divisions, agencies, institutions, or the political subdivisions of the state as to style,  
24 design, price or quality of goods shall be submitted to arbitrators whose decision shall be final.  
25 One of the arbitrators shall be named by the program, one by the office, department, political  
26 subdivision or institution concerned, and one by agreement of the other two. The arbitrators  
27 shall receive no compensation; however, their necessary expenses shall be paid by the office,  
28 department, political subdivision or institution against which the award is given, or, in the event  
29 of a compromise decision, by both parties, the amount to be paid by each party in portions to be  
30 determined by the arbitrators.

31         6. The vocational enterprises program may sell office systems and furniture to any  
32 department, agency, or institution of the state or any political subdivision of the state either  
33 through outright purchase or through payment plan agreement, including handling charges, over  
34 a specified number of months contingent on the solvency of the working capital revolving fund.  
35 Prior approval shall be required by the division of **facilities management**, design and  
36 construction for state agencies in situations where the office of administration controlled  
37 state-owned office space is involved and space in which a lease contract executed by the office  
38 of administration is in effect.

251.100. The division of [planning] **facilities management, design** and construction  
2 shall furnish office space for the department, the headquarters of which department shall be  
3 located in Jefferson City, Missouri.

251.240. The division of **facilities management**, design and construction shall furnish  
2 office space for the state office; the headquarters office shall be located in Jefferson City,  
3 Missouri.

253.320. Any lease granted under the provisions of sections 253.290 to 253.320 shall  
2 be conditioned as follows and also contain such provisions as the attorney general may prescribe:

3 (1) The director of the department of natural resources shall retain the right to enter upon  
4 the lands at all times;

5 (2) The director shall control the style of architecture used in construction on the lands,  
6 and the quality of materials used in said construction shall be approved by the director of the  
7 division of **facilities management**, design and construction for the state of Missouri, and may  
8 control all fees and prices charged to the public as may be required by the director;

9 (3) The director shall inspect and audit the books and records of the lessee at least once  
10 every two years;

11 (4) The lessee shall provide such care, maintenance, repair, conservation and  
12 improvement of the lands and shall render such services to the public as may be required by the  
13 director;

14 (5) The lessee shall keep true and accurate records of his **or her** receipts and  
15 disbursements arising out of the operation of facilities upon the leased lands and shall permit the  
16 director to inspect and audit them at all reasonable times;

17 (6) Nothing in sections 253.290 to 253.320 shall be construed as denying the lessees the  
18 right to execute mortgages and other evidences of interest in or indebtedness upon their leasehold  
19 interest or properties thereon for the purpose of installing, enlarging or improving plant and  
20 equipment and extending facilities for the accommodation of the public within said state park;  
21 provided, however, that no such mortgage or other encumbrance shall be valid unless authorized  
22 and approved by the written order of the director; and further provided that the period for  
23 payment of such mortgage or indebtedness shall not extend beyond the lease period, and that no  
24 obligation or indebtedness shall incur to the state.

261.010. There is created a "Department of Agriculture", the main office of which shall  
2 be in Jefferson City in quarters provided by the division of **facilities management**, design and  
3 construction. The governor, by and with the advice and consent of the senate, shall appoint a  
4 director of the department of agriculture who shall be a practical farmer, well versed in  
5 agricultural science and who shall serve at the pleasure of the governor. The director shall be  
6 in charge of the department of agriculture.

301.020. 1. Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, except as herein otherwise expressly provided, shall annually file, by mail or otherwise, in the office of the director of revenue, an application for registration on a blank to be furnished by the director of revenue for that purpose containing:

(1) A brief description of the motor vehicle or trailer to be registered, including the name of the manufacturer, the vehicle identification number, the amount of motive power of the motor vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a motor vehicle primarily for business use as defined in section 301.010;

(2) The name, the applicant's identification number and address of the owner of such motor vehicle or trailer;

(3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a commercial motor vehicle or trailer.

2. If the vehicle is a motor vehicle primarily for business use as defined in section 301.010 and if such vehicle is five years of age or less, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the receipt of such information. This section shall not apply unless:

(1) The application for the vehicle's certificate of ownership was submitted after July 1, 1989; and

(2) The certificate was issued pursuant to a manufacturer's statement of origin.

3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business use, a recreational motor vehicle, motorcycle, motortricycle, bus or any commercial motor vehicle licensed for over twelve thousand pounds and if such motor vehicle is five years of age or less, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the receipt of such information. This subsection shall not apply unless:

(1) The application for the vehicle's certificate of ownership was submitted after July 1, 1990; and

(2) The certificate was issued pursuant to a manufacturer's statement of origin.

4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010, or prior salvage as referenced in section 301.573, the owner or lienholder shall surrender the certificate of ownership. The owner shall make an application for a new certificate of ownership, pay the required title fee, and obtain the vehicle examination certificate required pursuant to

subsection 9 of section 301.190. If an insurance company pays a claim on a salvage vehicle as defined in section 301.010 and the owner retains the vehicle, as prior salvage, the vehicle shall only be required to meet the examination requirements under [and pursuant to] subsection 10 of section 301.190. Notarized bills of sale along with a copy of the front and back of the certificate of ownership for all major component parts installed on the vehicle and invoices for all essential parts which are not defined as major component parts shall accompany the application for a new certificate of ownership. If the vehicle is a specially constructed motor vehicle, as defined in section 301.010, two pictures of the vehicle shall be submitted with the application. If the vehicle is a kit vehicle, the applicant shall submit the invoice and the manufacturer's statement of origin on the kit. If the vehicle requires the issuance of a special number by the director of revenue or a replacement vehicle identification number, the applicant shall submit the required application and application fee. All applications required under this subsection shall be submitted with any applicable taxes which may be due on the purchase of the vehicle or parts. The director of revenue shall appropriately designate "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor Vehicle" on the current and all subsequent issues of the certificate of ownership of such vehicle.

5. Every insurance company that pays a claim for repair of a motor vehicle which as the result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010 or that pays a claim on a salvage vehicle as defined in section 301.010 and the owner is retaining the vehicle shall in writing notify the owner of the vehicle, and in a first party claim, the lienholder if a lien is in effect, that he is required to surrender the certificate of ownership, and the documents and fees required pursuant to subsection 4 of this section to obtain a prior salvage motor vehicle certificate of ownership or documents and fees as otherwise required by law to obtain a salvage certificate of ownership, from the director of revenue. The insurance company shall within thirty days of the payment of such claims report to the director of revenue the name and address of such owner, the year, make, model, vehicle identification number, and license plate number of the vehicle, and the date of loss and payment.

6. Anyone who fails to comply with the requirements of this section shall be guilty of a class B misdemeanor.

7. An applicant for registration may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section [192.935] **209.015**. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section [192.935,] **209.015**; except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this

73 subsection is voluntary and may be refused by the applicant for registration at the time of  
74 issuance or renewal. The director shall inquire of each applicant at the time the applicant  
75 presents the completed application to the director whether the applicant is interested in making  
76 the one dollar donation prescribed in this subsection.

77         8. An applicant for registration may make a donation of one dollar to promote an organ  
78 donor program. The director of revenue shall collect the donations and deposit all such  
79 donations in the state treasury to the credit of the organ donor program fund as established in  
80 sections 194.297 to 194.304. Moneys in the organ donor fund shall be used solely for the  
81 purposes established in sections 194.297 to 194.304, except that the department of revenue shall  
82 retain no more than one percent for its administrative costs. The donation prescribed in this  
83 subsection is voluntary and may be refused by the applicant for registration at the time of  
84 issuance or renewal. The director shall inquire of each applicant at the time the applicant  
85 presents the completed application to the director whether the applicant is interested in making  
86 the one dollar donation prescribed in this subsection.

302.171. 1. The director shall verify that an applicant for a driver's license is a Missouri  
2 resident or national of the United States, or a noncitizen with a lawful immigration status [, and  
3 a Missouri resident] before accepting the application. The director shall not issue a driver's  
4 license for a period that exceeds the duration of an applicant's lawful immigration status in the  
5 United States. The director may establish procedures to verify the Missouri residency or United  
6 States naturalization, or lawful immigration status [and Missouri residency] of the applicant and  
7 establish the duration of any driver's license issued under this section. An application for a  
8 license shall be made upon an approved form furnished by the director. Every application shall  
9 state the full name, Social Security number, age, height, weight, color of eyes, sex, residence,  
10 mailing address of the applicant, and the classification for which the applicant has been licensed,  
11 and, if so, when and by what state, and whether or not such license has ever been suspended,  
12 revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such  
13 suspension, revocation or disqualification and whether the applicant is making a one dollar  
14 donation to promote an organ donation program as prescribed in subsection 2 of this section.  
15 A driver's license, nondriver's license, or instruction permit issued under this chapter shall  
16 contain the applicant's legal name as it appears on a birth certificate or as legally changed through  
17 marriage or court order. No name change by common usage based on common law shall be  
18 permitted. The application shall also contain such information as the director may require to  
19 enable the director to determine the applicant's qualification for driving a motor vehicle; and  
20 shall state whether or not the applicant has been convicted in this or any other state for violating  
21 the laws of this or any other state or any ordinance of any municipality, relating to driving  
22 without a license, careless driving, or driving while intoxicated, or failing to stop after an

23 accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's  
24 consent. The application shall contain a certification by the applicant as to the truth of the facts  
25 stated therein. Every person who applies for a license to operate a motor vehicle who is less than  
26 twenty-one years of age shall be provided with educational materials relating to the hazards of  
27 driving while intoxicated, including information on penalties imposed by law for violation of the  
28 intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than  
29 eighteen years of age, the applicant must comply with all requirements for the issuance of an  
30 intermediate driver's license pursuant to section 302.178. For persons mobilized and deployed  
31 with the United States Armed Forces, an application under this subsection shall be considered  
32 satisfactory by the department of revenue if it is signed by a person who holds general power of  
33 attorney executed by the person deployed, provided the applicant meets all other requirements  
34 set by the director.

35       2. An applicant for a license may make a donation of one dollar to promote an organ  
36 donor program. The director of revenue shall collect the donations and deposit all such  
37 donations in the state treasury to the credit of the organ donor program fund established in  
38 sections 194.297 to 194.304. Moneys in the organ donor program fund shall be used solely for  
39 the purposes established in sections 194.297 to 194.304 except that the department of revenue  
40 shall retain no more than one percent for its administrative costs. The donation prescribed in this  
41 subsection is voluntary and may be refused by the applicant for the license at the time of issuance  
42 or renewal of the license. The director shall make available an informational booklet or other  
43 informational sources on the importance of organ and tissue donations to applicants for licensure  
44 as designed by the organ donation advisory committee established in sections 194.297 to  
45 194.304. The director shall inquire of each applicant at the time the licensee presents the  
46 completed application to the director whether the applicant is interested in making the one dollar  
47 donation prescribed in this subsection and whether the applicant is interested in inclusion in the  
48 organ donor registry and shall also specifically inform the licensee of the ability to consent to  
49 organ donation by completing the form on the reverse of the license that the applicant will  
50 receive in the manner prescribed by subdivision (1) of subsection 1 of section 194.225. A  
51 symbol shall be placed on the front of the document indicating the applicant's desire to be listed  
52 in the registry. The director shall notify the department of health and senior services of  
53 information obtained from applicants who indicate to the director that they are interested in  
54 registry participation, and the department of health and senior services shall enter the complete  
55 name, address, date of birth, race, gender and a unique personal identifier in the registry  
56 established in subsection 1 of section 194.304.

57       3. An applicant for a license may make a donation of one dollar to promote a blindness  
58 education, screening and treatment program. The director of revenue shall collect the donations

59 and deposit all such donations in the state treasury to the credit of the blindness education,  
60 screening and treatment program fund established in section [192.935] **209.015**. Moneys in the  
61 blindness education, screening and treatment program fund shall be used solely for the purposes  
62 established in section [192.935] **209.015**; except that the department of revenue shall retain no  
63 more than one percent for its administrative costs. The donation prescribed in this subsection  
64 is voluntary and may be refused by the applicant for the license at the time of issuance or renewal  
65 of the license. The director shall inquire of each applicant at the time the licensee presents the  
66 completed application to the director whether the applicant is interested in making the one dollar  
67 donation prescribed in this subsection.

68       4. Beginning July 1, 2005, the director shall deny the driving privilege of any person who  
69 commits fraud or deception during the examination process or who makes application for an  
70 instruction permit, driver's license, or nondriver's license which contains or is substantiated with  
71 false or fraudulent information or documentation, or who knowingly conceals a material fact or  
72 otherwise commits a fraud in any such application. The period of denial shall be one year from  
73 the effective date of the denial notice sent by the director. The denial shall become effective ten  
74 days after the date the denial notice is mailed to the person. The notice shall be mailed to the  
75 person at the last known address shown on the person's driving record. The notice shall be  
76 deemed received three days after mailing unless returned by the postal authorities. No such  
77 individual shall reapply for a driver's examination, instruction permit, driver's license, or  
78 nondriver's license until the period of denial is completed. No individual who is denied the  
79 driving privilege under this section shall be eligible for a limited driving privilege issued under  
80 section 302.309.

81       5. All appeals of denials under this section shall be made as required by section 302.311.

82       6. The period of limitation for criminal prosecution under this section shall be extended  
83 under subdivision (1) of subsection 3 of section 556.036.

84       7. The director may promulgate rules and regulations necessary to administer and enforce  
85 this section. No rule or portion of a rule promulgated pursuant to the authority of this section  
86 shall become effective unless it has been promulgated pursuant to chapter 536.

87       8. Notwithstanding any provision of this chapter that requires an applicant to provide  
88 proof of Missouri residency for renewal of a noncommercial driver's license, noncommercial  
89 instruction permit, or nondriver's license, an applicant who is sixty-five years and older and who  
90 was previously issued a Missouri noncommercial driver's license, noncommercial instruction  
91 permit, or Missouri nondriver's license is exempt from showing proof of Missouri residency.

92       9. Notwithstanding any provision of this chapter, for the renewal of a noncommercial  
93 driver's license, noncommercial instruction permit, or nondriver's license, a photocopy of an  
94 applicant's United States birth certificate along with another form of identification approved by

95 the department of revenue, including, but not limited to, United States military identification or  
96 United States military discharge papers, shall constitute sufficient proof of Missouri citizenship.

97 10. Notwithstanding any other provision of this chapter, if an applicant does not meet  
98 the requirements of subsection 8 of this section and does not have the required documents to  
99 prove Missouri residency, United States naturalization, or lawful immigration status, the  
100 department may issue a one-year driver's license renewal. This one-time renewal shall only be  
101 issued to an applicant who previously has held a Missouri noncommercial driver's license,  
102 noncommercial instruction permit, or nondriver's license for a period of fifteen years or more and  
103 who does not have the required documents to prove Missouri residency, United States  
104 naturalization, or lawful immigration status. After the expiration of the one-year period, no  
105 further renewal shall be provided without the applicant producing proof of Missouri residency,  
106 United States naturalization, or lawful immigration status.

311.650. The principal office of the supervisor of liquor control shall be at the seat of  
2 government at Jefferson City, and the director of the division of **facilities management**, design  
3 and construction at the capitol shall provide offices for the liquor control department.

313.210. The "State Lottery Commission" is hereby created. The commission shall  
2 control and manage the state lottery. The principal office of the commission shall be located in  
3 Jefferson City in quarters provided by the division of **facilities management**, design and  
4 construction. That division shall also arrange for other needed office space for the commission  
5 or its staff. The commission shall be assigned to the department of revenue as a type III division,  
6 but the director of the department of revenue has no supervision, authority or control over the  
7 actions or decisions of the lottery commission or the director of the state lottery.

320.260. The division of **facilities management**, design and construction shall provide  
2 office space for the state fire marshal and his **or her** employees.

334.125. 1. The board shall have a common seal and shall formulate rules and  
2 regulations to govern its actions. Provision shall be made by the division of **facilities**  
3 **management**, design and construction for office facilities in Jefferson City, Missouri, where the  
4 records and register of the board shall be maintained.

5 2. No rule or portion of a rule promulgated under the authority of this chapter shall  
6 become effective unless it has been promulgated pursuant to the provisions of section 536.024.

361.010. 1. There is hereby created a "State Division of Finance", which shall be under  
2 the management and control of a chief officer who shall be called the "Director of Finance".

3 2. The director of finance shall maintain his **or her** office at the City of Jefferson, reside  
4 in the state of Missouri, and shall devote all of his **or her** time to the duties of his **or her** office.  
5 The division of **facilities management**, design and construction is hereby required to provide  
6 the director of finance and the state division of finance with suitable rooms.

7           3. The division of finance with all of its powers, duties, and functions is assigned by type  
8     III transfer under the authority of the Omnibus State Reorganization Act of 1974 and executive  
9     order 06-04 to the department of insurance, financial institutions and professional registration.  
10    All of the general provisions, definitions, and powers enumerated in section 1 of the Omnibus  
11    State Reorganization Act of 1974 and executive order 06-04 shall apply to this department and  
12    its divisions, agencies, and personnel.

13           4. Wherever the laws, rules, or regulations of this state make reference to the "division  
14    of finance of the department of economic development" or to the "division of finance", such  
15    references shall be deemed to refer to the division of finance of the department of insurance,  
16    financial institutions and professional registration.

          595.036. 1. **For any claim filed on or after August 28, 2013**, any party aggrieved by  
2    a decision of the department **of public safety** on a claim under the provisions of sections 595.010  
3    to [595.070] **595.075** may, within thirty days following the date of notification [of mailing] of  
4    such decision, file a petition with the [division of workers' compensation of the department of  
5    labor and industrial relations] **department** to have such decision heard de novo by [an  
6    administrative law judge] **the director**. The [administrative law judge] **director** may affirm[,]  
7    **or reverse**[, or set aside] the **department's** decision [of the department of public safety] on the  
8    basis of the evidence previously submitted in such case or may take additional evidence [or may  
9    remand the matter to the department of public safety with directions] **in reviewing the decision**.  
10   The [division of workers' compensation] **department** shall promptly notify the [parties] **party**  
11   of its decision and the reasons therefor.

12           2. Any [of the parties to a decision of an administrative law judge of the division of  
13    workers' compensation, as provided by subsection 1 of this section, on a claim heard under the  
14    provisions of sections 595.010 to 595.070] **party aggrieved by the department's decision** may,  
15    within thirty days following the date of notification [or mailing] of such decision, file a petition  
16    with the [labor and industrial relations] **administrative hearing** commission to [have] **appeal**  
17    such decision [reviewed by the commission. The commission may allow or deny a petition for  
18    review. If a petition is allowed, the commission may affirm, reverse, or set aside the decision  
19    of the division of workers' compensation on the basis of the evidence previously submitted in  
20    such case or may take additional evidence or may remand the matter to the division of workers'  
21    compensation with directions. The commission shall promptly notify the parties of its decision  
22    and the reasons therefor.

23           3. Any petition for review filed pursuant to subsection 1 of this section shall be deemed  
24    to be filed as of the date endorsed by the United States Postal Service on the envelope or  
25    container in which such petition is received.

26           4. Any party who is aggrieved by a final decision of the labor and industrial relations  
27 commission pursuant to the provisions of subsections 2 and 3 of this section shall within thirty  
28 days from the date of the final decision appeal the decision to the court of appeals. Such appeal  
29 may be taken by filing notice of appeal with commission, whereupon the commission shall,  
30 under its certificate, return to the court all documents and papers on file in the matter, together  
31 with a transcript of the evidence, the findings and award, which shall thereupon become the  
32 record of the cause. Upon appeal no additional evidence shall be heard and, in the absence of  
33 fraud, the findings of fact made by the commission within its powers shall be conclusive and  
34 binding. The court, on appeal, shall review only questions of law and may modify, reverse,  
35 remand for rehearing, or set aside the award upon any of the following grounds and no other:  
36           (1) That the commission acted without or in excess of its powers;  
37           (2) That the award was procured by fraud;  
38           (3) That the facts found by the commission do not support the award;  
39           (4) That there was not sufficient competent evidence in the record to warrant the making  
40 of the award] **as provided in section 621.275.**

          595.037. 1. All information submitted to the department [or division of workers'  
2 compensation] and any hearing of the [division of workers' compensation] **department** on a  
3 claim filed pursuant to sections 595.010 to 595.075 shall be open to the public except for the  
4 following claims which shall be deemed closed and confidential:

5           (1) A claim in which the alleged assailant has not been brought to trial and disclosure  
6 of the information or a public hearing would adversely affect either the apprehension, or the trial,  
7 of the alleged assailant;

8           (2) A claim in which the offense allegedly perpetrated against the victim is rape, sodomy  
9 or sexual abuse and it is determined by the department [or division of workers' compensation]  
10 to be in the best interest of the victim or of the victim's dependents that the information be kept  
11 confidential or that the public be excluded from the hearing;

12           (3) A claim in which the victim or alleged assailant is a minor; or

13           (4) A claim in which any record or report obtained by the department [or division of  
14 workers' compensation], the confidentiality of which is protected by any other law, shall remain  
15 confidential subject to such law.

16           2. The department [and division of workers' compensation, by separate order,] may close  
17 any record, report or hearing if it determines that the interest of justice would be frustrated rather  
18 than furthered if such record or report was disclosed or if the hearing was open to the public.

          595.060. The director shall promulgate rules and regulations necessary to implement the  
2 provisions of sections 595.010 to 595.220 as provided in this section and chapter 536. [In the  
3 performance of its functions under section 595.036, the division of workers' compensation is

4 authorized to promulgate rules pursuant to chapter 536 prescribing the procedures to be followed  
5 in the proceedings under section 595.036.] Any rule or portion of a rule, as that term is defined  
6 in section 536.010, that is created under the authority delegated in this section shall become  
7 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if  
8 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the  
9 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective  
10 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
11 rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid  
12 and void.

610.029. 1. A public governmental body keeping its records in an electronic format is  
2 strongly encouraged to provide access to its public records to members of the public in an  
3 electronic format. A public governmental body is strongly encouraged to make information  
4 available in usable electronic formats to the greatest extent feasible. A public governmental  
5 body [may] **shall** not enter into a contract for the creation or maintenance of a public records  
6 database if that contract impairs the ability of the public to inspect or copy the public records of  
7 that agency, including public records that are online or stored in an electronic record-keeping  
8 system used by the agency. Such contract [may] **shall** not allow any impediment that as a  
9 practical matter makes it more difficult for the public to inspect or copy the records than to  
10 inspect or copy the public governmental body's records. For purposes of this section, a usable  
11 electronic format shall allow, at a minimum, viewing and printing of records. However, if the  
12 public governmental body keeps a record on a system capable of allowing the copying of  
13 electronic documents into other electronic documents, the public governmental body shall  
14 provide data to the public in such electronic format, if requested. The activities authorized  
15 pursuant to this section [may] **shall** not take priority over the primary responsibilities of a public  
16 governmental body. For purposes of this section the term "electronic services" means online  
17 access or access via other electronic means to an electronic file or database. This subsection  
18 shall not apply to contracts initially entered into before August 28, 2004.

19 2. Public governmental bodies shall include in a contract for electronic services  
20 provisions that:

21 (1) Protect the security and integrity of the information system of the public  
22 governmental body and of information systems that are shared by public governmental bodies;  
23 and

24 (2) Limit the liability of the public governmental body providing the services.

25 3. Each public governmental body may consult with the [division of data processing and  
26 telecommunications] **information technology services division** of the office of administration

27 to develop the electronic services offered by the public governmental body to the public pursuant  
28 to this section.

610.120. 1. Records required to be closed shall not be destroyed; they shall be  
2 inaccessible to the general public and to all persons other than the defendant except as provided  
3 in this section and section 43.507. The closed records shall be available to: criminal justice  
4 agencies for the administration of criminal justice pursuant to section 43.500, criminal justice  
5 employment, screening persons with access to criminal justice facilities, procedures, and  
6 sensitive information; to law enforcement agencies for issuance or renewal of a license, permit,  
7 certification, or registration of authority from such agency including but not limited to watchmen,  
8 security personnel, private investigators, and persons seeking permits to purchase or possess a  
9 firearm; those agencies authorized by section 43.543 to submit and when submitting fingerprints  
10 to the central repository; the sentencing advisory commission created in section 558.019 for the  
11 purpose of studying sentencing practices in accordance with section 43.507; to qualified entities  
12 for the purpose of screening providers defined in section 43.540; the department of revenue for  
13 driver license administration; the [division of workers' compensation] **department of public**  
14 **safety** for the purposes of determining eligibility for crime victims' compensation pursuant to  
15 sections 595.010 to 595.075, department of health and senior services for the purpose of  
16 licensing and regulating facilities and regulating in-home services provider agencies and federal  
17 agencies for purposes of criminal justice administration, criminal justice employment, child,  
18 elderly, or disabled care, and for such investigative purposes as authorized by law or presidential  
19 executive order.

20 2. These records shall be made available only for the purposes and to the entities listed  
21 in this section. A criminal justice agency receiving a request for criminal history information  
22 under its control may require positive identification, to include fingerprints of the subject of the  
23 record search, prior to releasing closed record information. Dissemination of closed and open  
24 records from the Missouri criminal records repository shall be in accordance with section 43.509.  
25 All records which are closed records shall be removed from the records of the courts,  
26 administrative agencies, and law enforcement agencies which are available to the public and  
27 shall be kept in separate records which are to be held confidential and, where possible, pages of  
28 the public record shall be retyped or rewritten omitting those portions of the record which deal  
29 with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature  
30 of the record books, such record entries shall be blacked out and recopied in a confidential book.

620.1100. 1. The "Youth Opportunities and Violence Prevention Program" is hereby  
2 established in the division of community and economic development of the department of  
3 economic development to broaden and strengthen opportunities for positive development and  
4 participation in community life for youth, and to discourage such persons from engaging in

5 criminal and violent behavior. For the purposes of section 135.460, this section and section  
6 620.1103, the term "advisory committee" shall mean an advisory committee to the division of  
7 community and economic development established pursuant to this section composed of ten  
8 members of the public. The ten members of the advisory committee shall include members of  
9 the private sector with expertise in youth programs, and at least one person under the age of  
10 twenty-one. Such members shall be appointed for two-year terms by the director of the  
11 department of economic development.

12         2. The "Youth Opportunities and Violence Prevention Fund" is hereby established in the  
13 state treasury and shall be administered by the department of economic development. The  
14 department may accept for deposit into the fund any grants, bequests, gifts, devises,  
15 contributions, appropriations, federal funds, and any other funds from whatever source derived.  
16 Moneys in the fund shall be used solely for purposes provided in section 135.460, this section  
17 and section 620.1103. Any unexpended balance in the fund at the end of a fiscal year shall be  
18 exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to  
19 the general revenue fund.

20         3. The department of economic development in conjunction with the advisory committee  
21 shall establish program criteria and evaluation methods for tax credits claimed pursuant to  
22 section 135.460. Such criteria and evaluation methods shall measure program effectiveness and  
23 outcomes, and shall give priority to local, neighborhood, community-based programs. The  
24 department shall monitor and evaluate all programs funded pursuant to section 135.460, this  
25 section and section 620.1103. Such programs shall provide a priority for applications from areas  
26 of the state which have statistically higher incidence of crime, violence and poverty and such  
27 programs shall be funded before the programs which have applied from areas which do not  
28 exhibit crime, violence, and poverty to the same degree. The committee shall focus and support  
29 specific programs designed to generate self-esteem and a positive self-reliance in youth and  
30 which abate youth violence.

31         4. The department shall develop and operate a database which lists all participating and  
32 related programs. The database shall include indexes and cross references and shall be  
33 accessible by the public by computer-modem connection. The **information technology support**  
34 division [of data processing and telecommunications] of the office of administration and the  
35 department of economic development shall cooperate with the advisory committee in the  
36 development and operation of the program.

620.1580. 1. There is hereby established within the department of economic  
2 development the "Advisory Committee for Electronic Commerce". The purpose of the  
3 committee shall be to advise the various agencies of the state of Missouri on issues related to  
4 electronic commerce.

5           2. The committee shall be composed of thirteen members, who shall be appointed by the  
6 director of the department of economic development, as follows:

7           (1) One member shall be the director of the department of economic development;

8           (2) One member shall be an employee of the department of revenue;

9           (3) One member shall be an employee of the department of labor and industrial relations;

10          (4) One member shall be the secretary of state;

11          (5) One member shall be the chief information officer for the [office of technology]  
12 **information technology services division;**

13          (6) Seven members shall be from the business community, with at least one such  
14 member being from an organization representative of industry, and with at least one such  
15 member being from an organization representative of independent businesses, and with at least  
16 one such member being from an organization representative of retail business, and with at least  
17 one such member being from an organization representative of local or regional commerce; and

18          (7) One member shall be from the public at large.

19          3. The members of the committee shall serve for terms of two years duration, and may  
20 be reappointed at the discretion of the director of the department of economic development.  
21 Members of the committee shall not be compensated for their services, but shall be reimbursed  
22 for actual and necessary expenses incurred in the performance of their service on the committee.

23          4. The director of the department of economic development shall serve as chair of the  
24 committee and shall designate an employee or employees of the department of economic  
25 development to staff the committee, or to chair the committee in the director's absence.

26          5. The committee shall meet at such places and times as are designated by the director  
27 of the department of economic development, but shall not meet less than twice per calendar year.

**621.275. 1. Any person shall have the right to appeal to the administrative hearing  
2 commission from any decision made by the department of public safety under section  
3 595.036 regarding such person's claim for compensation as provided in sections 595.010  
4 to 595.075.**

5           **2. Any person filing an appeal with the administrative hearing commission shall  
6 be entitled to a hearing before the commission. The person shall file a petition with the  
7 commission within thirty days after the decision of the director of the department of public  
8 safety is sent in the United States mail or within thirty days after the decision is delivered,  
9 whichever is earlier. The director's decision shall contain a notice of the person's right to  
10 appeal:**

11           **"If you were adversely affected by this decision, you may appeal to the  
12 administrative hearing commission. To appeal, you must file a petition with the  
13 administrative hearing commission within thirty days after the date this decision was**

14 **delivered. If your petition is sent by registered or certified mail, it will be deemed filed on**  
15 **the date it is mailed; if it is sent by any method other than registered mail, it will be deemed**  
16 **filed on the date it is received by the commission.".**

17 **3. Decisions of the administrative hearing commission under this section shall be**  
18 **binding subject to appeal by either party. The procedures established under chapter 536**  
19 **shall apply to any hearings and determinations under this section.**

2 [33.753. The Missouri minority business advocacy commission, as  
3 established pursuant to section 33.752 shall, in addition to providing the governor  
4 with a plan to increase procurement from minority businesses by all state  
5 departments as provided in subsection 2 of section 33.752, also provide to the  
6 general assembly the findings of such plan and provide details of any  
7 recommended legislation that may be needed to carry out the provisions of the  
8 plan. The commission shall submit the plan and recommended legislation to the  
9 general assembly within six months of delivery of the original plan to the  
governor.]

✓